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:

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

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

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

"(a) "Trustee" means the Board of Trustees of the Commonwealth Healthcare Corporation established pursuant to this Chapter.

(ba) "Chief Executive Officer" means a professional person with the education and experience in Healthcare Management hired by the Board of Trustees as the Chief Executive Officer (CEO) to manage the Commonwealth Healthcare Corporation in the Commonwealth.

(eb) "Clinics" means the Tinian Health Center, Rota Health Center, the Women's Clinic and the Children's Clinic and other related public health facilities providing healthcare and medical services in the Commonwealth.
(de) "Corporation" means the Commonwealth Healthcare Corporation established pursuant to this Chapter.

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

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

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

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

(h) "Trustee" means the Board of Trustees of the Commonwealth Healthcare Corporation established pursuant to this Chapter.

Section 3. Amendment. Title 3, Human Resources, Division 2, Health, Chapter 9, Commonwealth Healthcare Corporation, Section 2823 (c) is hereby
amended to read as follows:

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

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

“2837. Establishment of the Qualified Medical Travel Assistance Program.

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

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

(a) Assist eligible CNMI patients who are approved pursuant to the program’s rules and regulations to access healthcare which is not available on patients’ respective home islands within the Commonwealth, or healthcare which is not available within the geographic boundaries of the Commonwealth.
(b) Maintain program data, including, but not limited to, reasons for patient referral, related diagnoses, and treatment received, health outcomes of approved referrals, and financial data on the costs of assistance provided through the program.

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

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

(e) Operate the Qualified Medical Travel Assistance Program in a manner that does not exceed the CNMI general fund appropriation for MTAP. If, in any fiscal year, appropriated funding for the Qualified Medical Travel Assistance Program is exhausted prior to the end of the fiscal year, the CHCC shall cease MTAP operations until additional funding is identified by the Governor and appropriated by the Legislature from the general revenues of the CNMI. Provided, that in the event that MTAP funds are exhausted prior to the end of the fiscal year, patients who are at that time in the process of receiving off-island or inter-island medical services shall be allowed to continue receiving services for which they have
already been approved, and the costs of these services shall be added
to CHCC’s request to the Governor and the Legislature for
supplemental appropriations from the CNMI general fund.
(f) The Commonwealth Healthcare Corporation shall promulgate
rules and regulations necessary to effectuate this Act, which shall
supersede and replace any rules, regulations, or other policies
pertaining to inter-island or off-island medical referral services that
preceded this Act.

2839. Transition.

(a) The date of transfer of the Off-Island Medical Referral Program
as described in Executive Order No. 2013-09, to the
Commonwealth Healthcare Corporation, shall be within 160
days from the effective date of this Act.
(b) Before the date of transfer, the Office of the Governor shall
transfer all records and property of the Off-Island Medical
Referral Program to the Commonwealth Healthcare
Corporation.
(c) Before the date of transfer, the Commonwealth Healthcare
Corporation may offer employment to employees of the Off-
Island Medical Referral Program who have a satisfactory
performance rating. The Office of Personnel Management shall
release the official personnel file to the Commonwealth
Healthcare Corporation for any employees of the former Off-
Island Medical Referral Program, and CHCC Human Resources
Office shall be the custodian of these official personnel files.
Any employees of the former Medical Referral Program who
accept the Commonwealth Healthcare Corporation’s
employment offer shall be classified according to the
Commonwealth Healthcare Corporation’s Pay Scale.

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

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

Island Medical Referral Program on the date of transfer shall
remain liabilities of the CNMI Office of the Governor, and shall
not transfer to the Commonwealth Healthcare Corporation.”

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

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

Section 6. **Effective Date.** This Act shall take effect upon its approval by
the Governor or upon its becoming law without such approval.
Prefiled: 8/19/2021

Date: 8/19/2021 Introduced by:

Rep. Christina M.E. Sablan

Reviewed for legal sufficiency by:

Joseph D. Day
House Legal Counsel

Richard T. Lizama 8/11/21
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