

A BILL FOR AN ACT

To establish a special medical facility permit to allow physicians licensed to practice in a foreign country to practice medicine at the Commonwealth Healthcare Corporation; and for other purposes.

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

1 **Section 1. Findings and Purpose.** The Legislature finds that health care for the
2 residents of the Commonwealth Northern Mariana Islands (CNMI) is dependent on the
3 ability of medical facilities to recruit and maintain qualified health care providers. Due to
4 economic and other conditions, the Commonwealth Healthcare Corporation (CHCC), the
5 major health care facility in the CNMI, is finding it increasingly difficult to attract qualified
6 and competent physicians to provide services to the people of the Marianas, especially in
7 the specialized areas of Oncology, Radiology, Hemodialysis, Emergency Medicine, and
8 Primary Care (Rota & Tinian Health Centers). This has resulted in diminished health care
9 resources for all the residents of the CNMI, especially for the islands of Tinian and Rota
10 (Primary Care Physicians).

11 The Legislature further finds that insurers and other third-party payors, either
12 through independent travel or through the Health Network (formerly, Medical Referral)
13 Program, will cover services for CNMI residents performed in select foreign countries for
14 procedures not currently available at CHCC. In most cases, providers in these countries are
15 not licensed in the CNMI nor in the United States, but are still qualified to treat and care
16 for patients who reside in the CNMI that are being treated in the providers' respective home
17 country.

18 Therefore, this legislation aims to establish a structured pathway for the recruitment
19 of exceptionally gifted foreign licensed physicians to enhance health care services in the
20 CNMI. This will be accomplished by the issuance of a special medical facility permit to

1 foreign licensed physicians who have been identified and vetted by the leadership of the
2 CHCC and approved by the Health Care Professions Licensing Board (Board). Utilization
3 of this pathway will provide a comprehensive and structured pathway for foreign licensed
4 physicians to supplement current healthcare resources to uphold the highest stands of
5 healthcare delivery and enhance the quality of medical services in the CNMI.

6 The Legislature is cognizant that 3 CMC § 2214 authorizes the limited practice of
7 physicians licensed to practice in a foreign country. However, the subsequent applicable
8 statutory provisions (3 CMC §§ 2241-46) and regulation (NMIAC § 185-10-4207)
9 established by Public Law 17-56 for the licensing of foreign and international medical
10 graduates without U.S. training or a U.S. license were too impractical and extensive that it
11 has been impossible to hire any physician licensed to practice in a foreign country.
12 Therefore, the statutory provisions and the regulation must be repealed so that the Board
13 can properly adopt the appropriate and necessary regulations necessary for the licensing of
14 foreign and international medical graduates without a U.S. training or a U.S. license.
15 Accordingly, the purpose of this legislation is to establish a special medical facility permit
16 to allow physicians licensed to practice in a foreign country to practice medicine at the
17 CHCC and to repeal the statutory provisions (3 CMC §§ 2241-46) and regulation (NMIAC
18 § 185-10-4207) established by Public Law 17-56.

19 **Section 2. Repealer.** 3 CMC §§ 2241-46 are hereby repealed in their entirety.

20 **Section 3. Repealer.** NMIAC § 185-10-4207 is hereby repealed in its entirety.

21 **Section 4. Amendment.** Title 3, Division 2, Chapter 2, Article 1 of the
22 Commonwealth Code is hereby amended by inserting a new section 2237 to read as
23 follows:

24 **§ 2237. Special Medical Facility Permit.**

25 (a) A Special Medical Facility Permit (“SMFP”) authorizes the holder to practice
26 medicine only within the Commonwealth Healthcare Corporation (“CHCC”) and its
27 affiliated facilities. The holder of a SMFP shall not engage in the practice of medicine
28 except as provided in this section.

1 (b) Requirements. All potential candidates for the SMFP must meet all of the
2 following requirements:

3 (1) Be a foreign licensed physician;

4 (2) Comply with the requirements set forth at 3 CMC § 2214 and any other
5 applicable law or regulation;

6 (3) Be identified by current medical staff leadership at CHCC;

7 (4) Be invited to apply for a SMFP which only applies to practice at CHCC
8 at its affiliated facilities;

9 (5) Be evaluated by CHCC leadership for:

10 (i) Possession of exceptional credentials;

11 (ii) Possession of substantive work experience in their area of
12 expertise;

13 (iii) Possession of exceptional clinical competency; and

14 (iv) Assessment of candidates' alignment with CHCC's mission and
15 needs with approval by the CHCC Board of Trustees.

16 (6) Be evaluated by the Health Care Professions Licensing Board ("Board")
17 for final approval and issuance of SMFP.

18 (c) Term. Successful applications will be issued a SMFP which only allows them
19 to practice medicine within the confines of CHCC and its affiliated facilities for a period
20 of 3 years. After the initial 3 years, the SMFP holder may apply for an additional 3 years
21 subject to review of significant contributions, performance and compliance with applicable
22 medical standards.

23 (d) Applications. An application for a SMFP shall be made on a form prescribed by
24 the Board and shall include any information that the Board may prescribe to establish an
25 applicant's eligibility for a permit.

26 (e) Denial, Revocation or Suspension. A SMFP may be denied, suspended, or
27 revoked for any violation that would be grounds for denial, suspension, or revocation of a
28 physician's license, or for violation of any provision of this article. The holder of a SMFP

1 shall be subject to all the provisions of this chapter applicable to the holder of a physician's
2 license.

3 (f) Expiration; Renewal; Fees.

4 (1) A SMFP expires and becomes invalid at midnight on the last day of the
5 month in which the permit was issued during the third year of a three-year term
6 commencing from the date of issuance, if not renewed.

7 (2) A person who holds a SMFP shall show at the time of license renewal
8 that they continue to meet the eligibility criteria set forth in in this article.

9 (3) A person who holds a special medical facility permit shall show at the
10 time of renewal that they meet the continuing medical education requirements of
11 this article.

12 (4) In addition to the requirements set forth above, a foreign physician
13 practicing at CHCC pursuant to a SMFP for 6 years may apply for a medical license
14 in accordance with all applicable laws and regulations in the same manner as a
15 physician's license.

16 (5) Those fees applicable to a physician's license shall also apply to a
17 special medical facility permit."

18 **Section 5. Regulations.** The Health Care Professions Licensing Board shall adopt
19 regulations to implement the provisions of this Act.

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


24 **Section 7. Savings Clause.** This Act and any repealer contained herein shall not
25 be construed as affecting any existing right acquired under contract or acquired under
26 statutes repealed or under any rule, regulation, or order adopted under the statutes.
27 Repealers contained in this Act shall not affect any proceeding instituted under or pursuant
28 to prior law. The enactment of the Act shall not have the effect of terminating, or in any

1 way modifying, any liability, civil or criminal, which shall already be in existence on the
2 date this Act becomes effective.

3 **Section 8. Effective Date.** This Act shall take effect upon its approval by the
4 Governor or becoming law without such approval.

Date: 8/8/24

Introduced By:


Sen. Donald M. Mangiona

Reviewed for Legal Sufficiency by:


Senate Legal Counsel