

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2021

S. L. B. 22-01

**A LOCAL BILL FOR AN ACT
FOR THE FIRST SENATORIAL DISTRICT**

To establish the Medical Subsistence Allowance Program for the First Senatorial District; and for other purposes.

**BE IT ENACTED BY THE FIRST SENATORIAL DISTRICT DELEGATION
PURSUANT TO CHAPTER 4, DIVISION 1, TITLE 1 OF THE COMMONWEALTH
CODE:**

1 **Section 1. Findings and Purpose.** The First Senatorial District Delegation finds that
2 House Local Bill 17-77, entitled “To appropriate \$30,000 from local license fees collected for
3 poker and pachinko slot machines in the First Senatorial District; and for other Purposes,” was an
4 appropriation bill passed by the Rota Legislative Delegation as House Local Bill 17-77, S1. The
5 substitute bill under Section 5 provided for the Verification of Medical Status and Section 6
6 provided for the Establishment of Medical Assistance Board. The bill in the form of a substitute
7 was signed into law as Rota Local Law 17-19. The provisions provided under Sections 5 and 6
8 were not codified under Title 10, Division 1, local laws for the First Senatorial District. The Law
9 Revision Commission does not codify provisions of an appropriation Act because appropriations
10 are temporary.

11 In the Eighteenth Legislature, the Senate Local Bill 18-01, entitled to “REPEAL
12 SECTIONS 5 AND 6 OF ROTA LOCAL LAW NO. 17-19; AND FOR OTHER PURPOSES”
13 was signed into law and became Rota Local Law 18-03. This repealer however does not appear
14 in the Commonwealth Code because, as noted above, Sections 5 and 6 of Rota Local Law 17-19,
15 were not codified.

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1 The Rota Legislative Delegation (RLD) attempted to establish the medical allowance
2 assistance program by legislation through Senate Bill 21-2, S1, but the Governor vetoed the bill
3 for the following reasons:

4 1. The RLD is directly involved in the administration of the program (e.g., reviews
5 listing of terminally-ill patients certified by the Rota Health Clinic committee, compiles list of
6 eligible patients, RLD clerk verifies list of hemodialysis patients), which violates the separation
7 of powers doctrine;

8 2. Eligibility is limited to Rota registered voters without a rationale explaining why voter
9 registration is necessary; and

10 3. Sharing of medical information by the Rota Health Clinic is likely a violation of the
11 Health Insurance Portability and Accountability Act.

12 Therefore, the purpose of this bill is to establish the medical subsistence allowance
13 program for the Rota hemodialysis and terminally-ill patients by taking into account the issues
14 raised in the Governor’s message when he vetoed Senate Local Bill 21-2, S1.

15 **Section 2. Enactment.** Subject to the codification by the Law Revision Commission,
16 the following is hereby enacted:

17 “Section 101. Rota Medical Subsistence Allowance Program Established. The Rota
18 Medical Subsistence Allowance Program (RMSA) is hereby established to provide assistance as
19 provided herein.

20 Section 102. Rota Patients Application Procedure.

21 (a) Patients who are residents of Rota for a period of at least one year immediately
22 preceding the date of this Act may apply for medical subsistence allowance by submitting a
23 written request to the Office of the Director of the Rota Health Clinic.

24 (1) The application shall provide the full name, address, telephone number, email
25 address if available, and the medical reason for the request for medical subsistence
26 allowance.

1 (2) The applicant shall consent the Director to release the applicant’s name in the
2 event the applicant meets the eligibility criteria for the purpose of the payment of medical
3 subsistence allowance.

4 (3) The Director shall compile the requests and submit the requests to the
5 committee as provided in section 103.

6 Section 103. Terminally-Ill Patients Evaluation Committee.

7 (a) The Director shall designate 5 of the Rota Health Clinic’s staff to compose the
8 Evaluation Committee, which may include a physician, registered nurse, nurse practitioner,
9 laboratory personnel, and other medical-related staff to review and evaluate the requests.

10 (b) The committee shall agree when to meet to review and evaluate the requests.

11 (c) A minimum of 3 members of the committee shall certify, or not certify, that the
12 patient meets the definition of terminally ill. For purposes of this subsection, “terminally-ill”
13 means “a person who has a disease that cannot be cured and will eventually lead to death within
14 six months or less. The committee shall compile a list of certified applicants and submit the list
15 to the Director.

16 (d) The Director shall provide the eligibility list to the Mayor of Rota for the purpose of
17 requesting the payment of the medical subsistence allowance as may be provided in an
18 appropriation bill enacted into law.

19 Section 104. Rota Hemodialysis Patients Eligibility.

20 (a) The Rota Hemodialysis patients currently being treated on Saipan are eligible to
21 receive the RMSA.

22 (b) New Rota patients requiring hemodialysis who are referred by their Rota treating
23 physician to a hemodialysis facility outside of Rota are eligible to receive the medical
24 subsistence allowance as may be provided in an appropriation bill.

25 (c) The eligible hemodialysis patient in accordance with subsections (a) or (b) of this
26 section shall consent the Rota Inter-island Medical Referral Staff to release the hemodialysis
27 patient’s name to the Mayor of Rota for the purpose of requesting the payment of the RMSA as
28 may be provided in an appropriation bill enacted into law.

1 Section 105. Special Account and Medical Subsistence Allowance Appropriation.

2 (a) The Secretary of Finance shall establish a separate and special account, Rota Medical
3 Subsistence Allowance Account, into which appropriated funds for Rota Medical Subsistence
4 Allowance shall be deposited.

5 (b) Subject to the availability of funds, the Rota Legislative Delegation may provide for
6 the RMSA through an appropriation indicating the following:

7 1. The RMSA amount and shall also specify the month or months of the
8 allowance.

9 2. The Mayor of Rota shall be the expenditure authority of the RMSA funds for
10 the payment of the eligible terminally-ill Rota patients and Rota hemodialysis patients.”

11 **Section 3. Severability.**

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

16 **Section 4. Savings Clause.**

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

23 **Section 5. Effective Date.**

24 This Act shall take effect upon its approval by the Governor or it becoming law without
25 such approval.

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Prefiled:

Date: 02/11/21

Introduced By: /s/
Senator Teresita Santos

Reviewed for Legal Sufficiency by:

/s/ Jose A. Bermudes
Senate Legal Counsel