

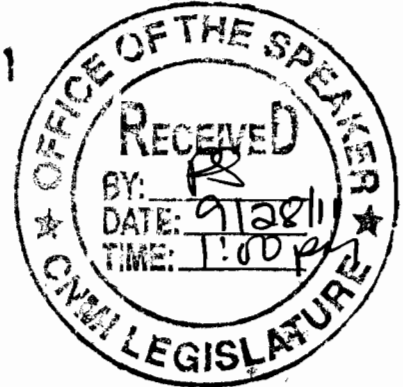


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Benigno R. Fitial**  
Governor

**Eloy S. Inos**  
Lieutenant Governor

SEP 27 2011



Honorable Eli D. Cabrera  
Speaker, House of Representatives  
Seventeenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

The Honorable Paul A. Manglona  
Senate President  
Seventeenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill 17-71, SS1, entitled, "To amend NMIAC Chapter 140-50 to provide for the licensing of foreign trained medical professional," which was passed by the Seventeenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 17-56**. Copies bearing my signature are forwarded for your reference.

Sincerely,

BENIGNO R. FITIAL

CC: Lt. Governor  
Press Secretary, Office of the Governor  
Special Assistant for Programs & Legislative Review  
All Departments and Agencies

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*Seventeenth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*

**IN THE HOUSE OF REPRESENTATIVES**

**Second Regular Session**

**May 11, 2010**

**Representative** Sylvestre I. Iguel of Saipan, Precinct 4 (*for himself*, Representative Eliceo D. Cabrera) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

**H. B. 17-71**

**AN ACT**

**TO AMEND NMIAC CHAPTER 140-50 TO PROVIDE FOR THE  
LICENSING OF FOREIGN TRAINED MEDICAL  
PROFESSIONALS.**

The Bill was referred to the House Committee on Health and Welfare.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON  
FIRST AND FINAL READING, FEBRUARY 18, 2011;  
*without amendments* and transmitted to the  
THE SENATE.**

The Bill was referred to the Senate Committee on Health and Welfare, which submitted Standing Committee Report 17-53.

**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, AUGUST 3, 2011;  
*with amendments* in the form of H. B. 17-71, SS1.**

**H. B. 17-71, SS1 WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON AUGUST 4, 2011.**

The House of Representatives accepted the Senate amendments and passed H. B. 17-71, SS1 during its 1st Day, Fourth Regular Session on August 9, 2011.

A handwritten signature in black ink, appearing to read "Linda B. Muña".

Linda B. Muña, House Clerk



*Seventeenth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*  
**IN THE HOUSE OF REPRESENTATIVES**

**1st Day, Fourth Regular Session**

**August 9, 2011**

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**H. B. 17-71, SS1**

**AN ACT**

**TO AMEND NMIAC CHAPTER 140-50 TO PROVIDE FOR THE  
LICENSING OF FOREIGN TRAINED MEDICAL  
PROFESSIONALS.**

**Be it enacted by the Seventeenth Northern Marianas  
Commonwealth Legislature:**

1           **Section 1. Findings.** The Commonwealth needs to address its health care  
2           system, provide short term and long term solutions in order to have a healthy  
3           population, where common diseases like diabetes and hypertension are  
4           eliminated, and the life span of every citizen is prolonged. The Commonwealth  
5           needs to take action to allow and encourage qualified medical professionals,  
6           including foreign medical professionals, to practice in the Commonwealth. The  
7           Commonwealth Medical Practice Act provides that "When there is a physician  
8           shortage, applicants who are not citizens or nationals of the United States or

1 permanent residents of the Commonwealth may qualify pursuant to the discretion  
2 of the [Medical Professional Licensing] board”.

3 Although the Commonwealth has consistently experienced a physician  
4 shortage, the Medical Professional Licensing Board, which was established in  
5 1982, has not adopted any regulations for the licensing of medical professionals  
6 who are not United States citizens or permanent residents. Since the Medical  
7 Professional Licensing Board has not adopted licensing regulations necessary to  
8 the health and welfare of the residents of the Commonwealth, the Legislature  
9 finds that it is appropriate for the Legislature to adopt appropriate regulations for  
10 the licensing of foreign medical professionals.

11 **Section 2. Enactment.** NMIAC, Chapter 140-50 is amended by adding a  
12 new Subchapter 140-50.3 as follows:

13 “SUBCHAPTER 140-50.3 LICENSING OF FOREIGN AND  
14 INTERNATIONAL MEDICAL GRADUATES WITHOUT U.S.  
15 TRAINING OR A U.S. LICENSE.

16 Part 001 General Provisions

17 §140-50.3-001. Applicability

18 This subchapter applies to the licensing of foreign and  
19 international medical graduates without U.S. training or a U.S. license and  
20 supersedes and replaces the licensing provisions of SUBCHAPTER 140-  
21 50.1 in respect to such medical professionals.

22 §140-50.3-002 Definitions

1           As used in the regulations in this subchapter unless the context  
2 otherwise requires, the words and terms defined in each part have the  
3 meanings ascribed to them in those parts. In addition, the following  
4 definitions apply:

5           (a) "ACGME" is the Accreditation Council for Graduate  
6 Medical Education and is the council in charge of accrediting  
7 internship, residency, or fellowship training programs in the U.S.

8           (b) "Continuing Medical Education (CME)" shall mean  
9 U.S. Category 1 educational activities which serve to maintain,  
10 develop, or increase the knowledge, skills, and professional  
11 performance and relationships that a physician uses to provide  
12 services for patients, the public, or the profession.

13           (c) "Doctor" including "Dr.", "D.O.", "MD" means a  
14 physician but does not otherwise mean a person granted the highest  
15 degree of a university, typically a Doctor of Philosophy, or  
16 "Ph.D.", which is not intended to address the practice of medicine.

17           (d) "ECFMG" is the Educational Commission for Foreign  
18 Medical Graduates, and through its certification program, assesses  
19 the readiness of international medical graduates to enter into  
20 residency or fellowship program in the U.S. that are accredited by  
21 the ACGME. Medical licensing authorities in the U.S. and its

1 territories require ECFMG certification, among other requirements,  
2 to obtain an unrestricted license to practice medicine.

3 (e) "Federal Licensing Examination (FLEX)" is an  
4 examination prepared and issued by the Federation of State  
5 Medical Boards of the United States. The FLEX includes three  
6 (3) parts: the basic science, the clinical science, and the clinical  
7 competency average.

8 (f) "Federation of State Medical Boards (FSMB)" is a  
9 national non-profit organization representing the 70 medical  
10 boards of the U.S. and its territories. The FSMB's mission is to  
11 continuously improve the quality, safety, and integrity of health  
12 care through developing and promoting high standards for  
13 physician licensure and practice.

14 (g) "Foundation for Advancement of International Medical  
15 Education and Research (FAIMER)" – FAIMER is a non-profit  
16 foundation committed to improving world health through  
17 education. It was established by ECFMG to promote excellence in  
18 international health professions education through programmatic  
19 and research activities.

20 (h) "Foreign-licensed physician" is a physician who  
21 received his/her medical education outside of the U.S. or Canada  
22 and who is ineligible for licensure in the U.S. or has no active and

1           unrestricted U.S. license, but holds an active and unrestricted  
2           license from a medical licensing authority of a foreign country.

3           (i) “Foreign or International Medical Graduate (IMG)”  
4           means a graduate of a medical school located outside of any U.S.  
5           state or territories, or Canada and recognized and officially listed  
6           by the World Health Organization.

7           (j) “International Medical Education Directory (IMED)” -  
8           provides an accurate and up-to-date resource of information about  
9           international medical schools that are recognized by the  
10          appropriate government agency in the countries where the medical  
11          schools are located. A medical school is listed in IMED after  
12          FAIMER receives confirmation from the Ministry of Health or  
13          other appropriate agency that the medical school is recognized by  
14          the Ministry or other agency. FAIMER also updates the  
15          International Medical Education Directory as information about  
16          medical schools is received from Ministries of Health or other  
17          appropriate agencies.

18          (k) “National Board of Medical Examiners (NBME)” – is  
19          an independent, not-for-profit organization that provides high-  
20          quality examinations for the health professions.

21          (l) “Practice of Medicine” means:

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(1) Holding out one's self to the public as being able to diagnose, treat, prescribe for, palliate, or prevent any human disease, ailment, injury, deformity, or physical or mental condition, whether by the use of drugs, surgery, manipulation, electricity, or any physical, mechanical, or other means whatsoever;

(2) Suggesting, recommending, prescribing, or administering any form of treatment, operation, or healing for the intended palliation, relief, or cure or any physical or mental disease, ailment, injury, condition, or defect of any person with the intention of receiving, either directly or indirectly, any fee, gift, or compensation whatsoever;

(3) The maintenance of an office or other place to meet persons for the purpose of examining or treating persons afflicted with disease, injury, or defect of body or mind;

(4) Using the title "Doctor," "Doctor of Medicine," "Doctor of Osteopathic," "Physician," "Surgeon," "Dr.," "M.D.," "D.O.," or any word or abbreviation to indicate or induce others to believe that one is engaged in the practice of medicine as defined hereon;



1 (5) Performing any kind of surgical operation upon  
2 a human being.

3 (m) "Postgraduate Training" as used herein, means  
4 satisfactory medical training after earning a medical degree at an  
5 accredited program, including internship, residency and  
6 fellowship.

7 (n) "State" includes a U.S. state, territory, tribal land,  
8 commonwealth, the District of Columbia, and any other U.S.  
9 jurisdiction other than the U.S. Government itself.

10 (o) "Supervision" of a foreign-licensed physician means  
11 overseeing the activities of, and accepting responsibility for, the  
12 medical services rendered by the foreign-licensed physician.

13 (p) "United States Medical Licensing Examination  
14 (USLME)" is a 3-step examination for medical licensure in the  
15 U.S. and is sponsored by the FSMB and NBME.

16 Part 100

17 Subpart A

18 §140-50.101 Exemptions.

19 Nothing in these regulations shall:

20 (a) Prohibit the Board from disapproving any foreign medical  
21 school or post-graduate training program or from denying an application  
22 if, in the opinion of the Board, the professional instruction provided by the

1 medical school or the post-graduate training program or the instruction  
2 received by the applicant is not equivalent to that required of U.S. trained  
3 physicians.

4 (b) Prohibit the Board from suspending, revoking, place on  
5 probation or condition the license, on any grounds which by law or  
6 regulations would be grounds to suspend, revoke, place on probation or  
7 condition the license to practice medicine in the CNMI, or for such  
8 periods of time when the foreign-licensed physician is not under the  
9 supervision of a CNMI licensed health care professional.

10 (c) Prohibit the Board from revoking a previously issued license if  
11 the licensee has not entered the CNMI and begun work in private practice  
12 or for the CNMI Department of Public Health within ninety (90) days  
13 from the date of licensure.

14 Part 200 Licenses

15 Subpart A Licenses

16 §140-50.201 Licenses: Category I.

17 (a) Category I: Temporary, Limited Licensure with Supervision  
18 Required for Foreign Physicians without U.S. Training and U.S.  
19 Licensure. An applicant to practice as a physician under this category  
20 must:

21 (1) Be at least twenty-one (21) years of age and lawfully  
22 entitled to enter, work and remain in the Commonwealth; and

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1                   (2) Be a graduate of a medical school listed in the IMED  
2                   and have graduated in a calendar year when the medical school  
3                   was recognized by the government agency in the country where the  
4                   school is located; and

5                   (3) Have satisfactorily completed a 3-year postgraduate  
6                   training program (residency and fellowship, if applicable), after  
7                   earning a medical degree, in the field applicant is applying for; and

8                   (4) Provide proof of ECFMG certification and have taken  
9                   and passed all parts of the Step I and Step 2 examinations of the  
10                  USMLE or the equivalent of those exams in former tests such as  
11                  the FLEX and NBME; and

12                  (5) Have taken and passed the national specialty  
13                  examination of his/her field of medicine (if applicable) in the  
14                  country where he/she currently practices medicine; and

15                  (6) Demonstrate a command of the English language by  
16                  taking and passing the TOEFL test. A score of at least 550 on the  
17                  paper based test or a score of at least 79 on the internet based test  
18                  will be considered as an acceptable passing score. The test must  
19                  have been taken and passed within the two (2) year time period  
20                  preceding the date of application to practice in the CNMI. Test  
21                  scores must be submitted directly to the HCPLB from the  
22                  Educational Testing Service (ETS); and

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1                   (7) Hold an unrestricted, active license to practice medicine  
2                   in the country where s/he is currently practicing, and must have  
3                   held that license and practicing independently in that country for at  
4                   least two (2) years preceding the date of application to practice in  
5                   the CNMI; and

6                   (8) Provide a Letter of Good Standing from the licensing  
7                   and/or regulatory agency from the country where he/she is  
8                   currently practicing medicine, satisfactory to the Board, that no  
9                   disciplinary action has been taken against his/her license by any  
10                  medical profession licensing authority and has not been the subject  
11                  of any adverse action in which his/her license was suspended,  
12                  revoked, placed on probation, conditioned or renewal denied. This  
13                  Letter of Good Standing must be issued and dated within six (6)  
14                  months preceding the date of application to practice in the CNMI;  
15                  and

16                  (9) Provide an original or certified copy of a police  
17                  clearance where s/he currently practices medicine issued and dated  
18                  30 days preceding the date of application to practice in the CNMI;  
19                  and

20                  (10) Provide proof of completion of a minimum of 50 U.S.  
21                  Category 1 Continuing Medical Education in his/her field of

1 medicine within the two year period preceding the date of  
2 application to practice in CNMI.

3 (b) The limited license shall be for a period of not more than two  
4 (2) years and shall not be renewed or grant an extension.

5 (c) A U.S. Social Security number and a National Provider  
6 Identification (NPI) number must be provided upon request by the Board  
7 during the period of time that the limited license is valid.

8 (d) Scope of Practice; Practice Agreement.

9 (1) The foreign-licensed physician shall practice in  
10 accordance with his/her training and experience; and

11 (2) The foreign-licensed physician shall not practice  
12 unless an active written practice agreement has been filed with and  
13 approved by the Board. A practice agreement is not active if the  
14 supervising physician has communicated in writing his/her  
15 termination of supervision, has been rendered legally incompetent  
16 to continue supervising, or has moved from the CNMI; and

17 (3) The foreign-licensed physician shall be employed only  
18 by the CNMI Government and shall practice only within the CNMI  
19 Department of Public Health.

20 (e) Supervising Physician. The supervising physician must comply  
21 with the following requirements in order to supervise foreign-licensed  
22 physicians:

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1                   (1) The supervising physician shall possess a current  
2                   unrestricted CNMI license to practice medicine that is in good  
3                   standing with the Board; and

4                   (2) The supervising physician must be currently practicing  
5                   in the CNMI and be a full-time employee of the CNMI  
6                   government; and

7                   (3) The supervising physician must have a similar specialty  
8                   to that of the supervised foreign-licensed physician; and

9                   (4) The supervising physician shall supervise no more than  
10                  two (2) foreign-licensed physician; and

11                  (5) The supervising physician must include in the Practice  
12                  Agreement, a statement that he or she will direct and exercise  
13                  supervision over the foreign-licensed physicians in accordance  
14                  with these regulations and recognizes that he or she retains full  
15                  professional and legal responsibility for the performance of the  
16                  foreign-licensed physician and for the care and treatment of the  
17                  patient; and

18                  (6) The supervising physician will provide adequate means  
19                  for direct communication between the foreign-licensed physician  
20                  and him or her; provided that where the physical presence of the  
21                  supervising physician is not required, the direct communication  
22                  may occur through the use of technology which may include but is

1 not limited to, two-way radio, telephone, fax machine, modem, or  
2 other telecommunication device; and

3 (7) The supervising physician will perform a monthly  
4 random chart review of at least 10% of all the foreign-licensed  
5 physician's patient encounters; and

6 (8) The supervising physician shall designate an alternate  
7 supervising physician in his or her absence. The alternate  
8 supervising physician must meet all of the above requirements as a  
9 supervising physician.

10 §140-50.202 Licenses: Category II.

11 (a) Category II: Conditional License for Foreign Physicians with  
12 U.S. Training and Expired U.S. Licensure. An applicant to practice as a  
13 physician under this category must:

14 (1) Be at least twenty-one (21) years of age and lawfully  
15 entitled to enter, work and remain in the Commonwealth; and

16 (2) Provide proof of ECFMG certification and have taken  
17 and passed all parts of the FLEX, NBME or USMLE; and

18 (3) Have previously held an unrestricted license to practice  
19 medicine in a U.S. state or jurisdiction; and

20 (4) Demonstrate a command of the English language by  
21 taking and passing the TOEFL test. A score of at least 550 on the  
22 paper based test or a score of at least 79 on the Internet based test

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1 will be considered as an acceptable passing score. The test must  
2 have been taken and passed within the two (2) year time period  
3 preceding the date of application to practice in the CNMI. Test  
4 scores must be submitted directly to the HCPLB from the  
5 Educational Testing Service (ETS); and

6 (5) Hold an unrestricted, active license to practice medicine  
7 in the country where s/he is currently practicing, and must have  
8 held that license and practicing independently in that country for at  
9 least two (2) years preceding the date of application to practice in  
10 the CNMI; and

11 (6) Provide a Letter of Good Standing from the licensing  
12 and/or regulatory agency from the country where he/she is  
13 currently practicing medicine, satisfactory to the Board, that no  
14 disciplinary action has been taken against his/her license by any  
15 medical profession licensing authority and has not been the subject  
16 of any adverse action in which his/her license was suspended,  
17 revoked, placed on probation, conditioned or renewal denied. This  
18 Letter of Good Standing must be issued and dated within six (6)  
19 months preceding the date of application to practice in the CNMI;  
20 and

21 (7) Provide an original or certified copy of a police  
22 clearance where s/he currently practices medicine issued and dated



1 30 days preceding the date of application to practice in the CNMI;

2 and

3 (8) Provide proof of completion of a minimum of 50 U.S.  
4 Category 1 Continuing Medical Education in his/her field of  
5 medicine within the two year period preceding the date of  
6 application to practice in the CNMI.

7 (b) The conditional license shall be for a period of two (2) years.  
8 After the two (2) year period, if the applicant has satisfied the conditions  
9 of the license, s/he may apply for a two-year unrestricted license.

10 (c) A U.S. Social Security number and a National Provider  
11 Identification (NPI) number must be provided upon request by the Board  
12 during the period of time that the limited license is valid.

13 (d) Scope of Practice; Evaluation Report.

14 (1) The foreign-licensed physician shall practice in  
15 accordance with his/her training and experience; and

16 (2) The foreign-licensed physician shall be employed only  
17 by the CNMI Government and shall practice only within the CNMI  
18 Department of Public Health; and

19 (3) A quarterly evaluation must be performed by a full-time  
20 physician with the same or similar specialty employed at DPH, to  
21 assess the foreign-licensed physician's performance and

1 competence in his/her practice of medicine. The evaluation report  
2 must be submitted to the Board within a week after evaluation.

3 Part 300 Application

4 Subpart A Application

5 §140-50.301 Application.

6 (a) An application for a license to practice as a physician shall be  
7 made under oath on a form to be provided by the Board and shall be  
8 signed and sworn to under penalty of perjury by the applicant  
9 accompanied with the following information and documentations as are  
10 necessary to establish that the applicant possesses the qualifications as  
11 required in these regulations:

12 (1) The applicant's full name and all aliases or other names  
13 ever used, current address, date and place of birth; and

14 (2) Applicant's 2x2 photograph taken within six (6) months  
15 with his/her signature on the bottom front; and

16 (3) Applicant must pay the appropriate fees, including the  
17 application fee which shall not be refunded; and

18 (4) Applicant to provide originals of all documents and  
19 credentials, or notarized or certified copies acceptable to the Board  
20 of such documents and credentials, including but not limited to:

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1 (i) Diploma showing a degree of Doctor of  
2 Medicine (or an equivalent degree awarded in the country  
3 in which the applicant graduated); and

4 (ii) Documents showing satisfactory proof that  
5 applicant has taken and passed the required examinations;  
6 and

7 (iii) Documents showing satisfactory proof that  
8 applicant has completed the required postgraduate training;  
9 and

10 (iv) Documents showing proof that applicant is  
11 licensed to practice as a physician in another jurisdiction;  
12 and

13 (5) Applicant to provide a list of all jurisdictions, in which  
14 the applicant is licensed or has applied for a license to practice as a  
15 physician; and

16 (6) Applicant to provide a detailed educational history,  
17 including places, institutions, dates and program descriptions of all  
18 his or her education beginning with secondary schooling and  
19 including all college, pre-professional, professional, and  
20 professional postgraduate training; and

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1                   (7) Applicant to provide a list of all jurisdictions, in which  
2                   the applicant has been denied licensure or voluntarily surrendered  
3                   a license to practice as a physician; and

4                   (8) Applicant to provide a list of all jurisdictions of all  
5                   sanctions, judgments, awards, settlements or convictions against  
6                   the applicant that would constitute grounds for disciplinary action  
7                   under the Act or these regulations; and

8                   (9) Applicant shall provide a Letter of Good Standing from  
9                   the licensing and/or regulatory agency from the country where s/he  
10                  is currently practicing medicine, satisfactory to the Board, that no  
11                  disciplinary action has been taken against his/her license by any  
12                  medical profession licensing authority and has not been the subject  
13                  of any adverse action in which his/her license was suspended,  
14                  revoked, placed on probation, conditioned or renewal denied. The  
15                  Letter of Good Standing shall be issued and dated within six (6)  
16                  months preceding the date of the application to practice in the  
17                  CNMI; and

18                  (10) Applicant to provide verification of a passing TOEFL  
19                  test score sent directly to HCPLB from the Educational Testing  
20                  Service. The test must have been taken and passed within two (2)  
21                  years preceding the date of application to practice in the CNMI;  
22                  and

1 (11) Applicant shall provide an original or certified copy of  
2 a police clearance from the country where he/she is currently  
3 practicing medicine that was issued within thirty (30) days  
4 preceding the date of the application to practice in the CNMI; and

5 (12) Applicant to provide proof of completion of a  
6 minimum of 50 U.S. Category 1 Continuing Medical Education in  
7 his/her field of medicine within 90 days of arrival in CNMI; and

8 (13) All documents submitted in a foreign language shall  
9 be accompanied by a certified and accurate translation in English.”

10 **Section 3. Severability.** If any provisions of this Act or the application  
11 of any such provision to any person or circumstance should be held invalid by a  
12 court of competent jurisdiction, the remainder of this Act or the application of its  
13 provisions to persons or circumstances other than those to which it is held invalid  
14 shall not be affected thereby.

15 **Section 4. Savings Clause.** This Act and any repealer contained herein  
16 shall not be construed as affecting any existing right acquired under contract or  
17 acquired under statutes repealed or under any rule, regulation or order adopted  
18 under the statutes. Repealers contained in this Act shall not affect any proceeding  
19 instituted under or pursuant to prior law. The enactment of the Act shall not have  
20 the effect of terminating, or in any way modifying, any liability, civil or criminal,  
21 which shall already be in existence on the date this Act becomes effective.

