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.

Signed:
Linda B. Muña, House Clerk
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:

Section 1. Findings. The Commonwealth needs to address its health care system, provide short term and long term solutions in order to have a healthy population, where common diseases like diabetes and hypertension are eliminated, and the life span of every citizen is prolonged. The Commonwealth needs to take action to allow and encourage qualified medical professionals, including foreign medical professionals, to practice in the Commonwealth. The Commonwealth Medical Practice Act provides that “When there is a physician shortage, applicants who are not citizens or nationals of the United States or
permanent residents of the Commonwealth may qualify pursuant to the discretion of the [Medical Professional Licensing] board”.

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

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

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

Part 001 General Provisions

§140-50.3-001. Applicability

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

§140-50.3-002 Definitions
As used in the regulations in this subchapter unless the context otherwise requires, the words and terms defined in each part have the meanings ascribed to them in those parts. In addition, the following definitions apply:

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

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

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

(d) "ECFMG" is the Educational Commission for Foreign Medical Graduates, and through its certification program, assesses the readiness of international medical graduates to enter into residency or fellowship program in the U.S. that are accredited by the ACGME. Medical licensing authorities in the U.S. and its
territories require ECFMG certification, among other requirements, to obtain an unrestricted license to practice medicine.

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

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

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

(h) "Foreign-licensed physician" is a physician who received his/her medical education outside of the U.S. or Canada and who is ineligible for licensure in the U.S. or has no active and
unrestricted U.S. license, but holds an active and unrestricted license from a medical licensing authority of a foreign country.

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

(j) "International Medical Education Directory (IMED)" provides an accurate and up-to-date resource of information about international medical schools that are recognized by the appropriate government agency in the countries where the medical schools are located. A medical school is listed in IMED after FAIMER receives confirmation from the Ministry of Health or other appropriate agency that the medical school is recognized by the Ministry or other agency. FAIMER also updates the International Medical Education Directory as information about medical schools is received from Ministries of Health or other appropriate agencies.

(k) "National Board of Medical Examiners (NBME)" is an independent, not-for-profit organization that provides high-quality examinations for the health professions.

(l) "Practice of Medicine" means:
(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;
(5) Performing any kind of surgical operation upon a human being.

(m) “Postgraduate Training” as used herein, means satisfactory medical training after earning a medical degree at an accredited program, including internship, residency and fellowship.

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

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

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

Part 100
Subpart A
§140-50.101 Exemptions.

Nothing in these regulations shall:

(a) Prohibit the Board from disapproving any foreign medical school or post-graduate training program or from denying an application if, in the opinion of the Board, the professional instruction provided by the
medical school or the post-graduate training program or the instruction received by the applicant is not equivalent to that required of U.S. trained physicians.

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

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

Part 200 Licenses

Subpart A Licenses

§140-50.201 Licenses: Category I.

(a) Category I: Temporary, Limited Licensure with Supervision

Required for Foreign Physicians without U.S. Training and U.S. Licensure. An applicant to practice as a physician under this category must:

(1) Be at least twenty-one (21) years of age and lawfully entitled to enter, work and remain in the Commonwealth; and
(2) Be a graduate of a medical school listed in the IMED and have graduated in a calendar year when the medical school was recognized by the government agency in the country where the school is located; and

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

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

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

(6) Demonstrate a command of the English language by taking and passing the TOEFL test. A score of at least 550 on the paper based test or a score of at least 79 on the internet based test will be considered as an acceptable passing score. The test must have been taken and passed within the two (2) year time period preceding the date of application to practice in the CNMI. Test scores must be submitted directly to the HCPLB from the Educational Testing Service (ETS); and
(7) Hold an unrestricted, active license to practice medicine
in the country where s/he is currently practicing, and must have
held that license and practicing independently in that country for at
least two (2) years preceding the date of application to practice in
the CNMI; and

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

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

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

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

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

(d) Scope of Practice; Practice Agreement.

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

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

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

(e) Supervising Physician. The supervising physician must comply
with the following requirements in order to supervise foreign-licensed
physicians:
(1) The supervising physician shall possess a current
unrestricted CNMI license to practice medicine that is in good
standing with the Board; and

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

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

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

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

(6) The supervising physician will provide adequate means
for direct communication between the foreign-licensed physician
and him or her; provided that where the physical presence of the
supervising physician is not required, the direct communication
may occur through the use of technology which may include but is
not limited to, two-way radio, telephone, fax machine, modem, or
other telecommunication device; and

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

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

§140-50.202 Licenses: Category II.

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

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

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

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

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

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

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

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

and

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

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

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

(d) Scope of Practice; Evaluation Report.

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

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

(3) A quarterly evaluation must be performed by a full-time physician with the same or similar specialty employed at DPH, to assess the foreign-licensed physician's performance and
competence in his/her practice of medicine. The evaluation report
must be submitted to the Board within a week after evaluation.

Part 300 Application

Subpart A Application

§140-50.301 Application.

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

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

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

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

(4) Applicant to provide originals of all documents and
credentials, or notarized or certified copies acceptable to the Board
of such documents and credentials, including but not limited to:
(i) Diploma showing a degree of Doctor of Medicine (or an equivalent degree awarded in the country in which the applicant graduated); and

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

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

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

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

(6) Applicant to provide a detailed educational history, including places, institutions, dates and program descriptions of all his or her education beginning with secondary schooling and including all college, pre-professional, professional, and professional postgraduate training; and
(7) Applicant to provide a list of all jurisdictions, in which the applicant has been denied licensure or voluntarily surrendered a license to practice as a physician; and

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

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

(10) Applicant to provide verification of a passing TOEFL test score sent directly to HCPLB from the Educational Testing Service. The test must have been taken and passed within two (2) years preceding the date of application to practice in the CNMI; and
(11) Applicant shall provide an original or certified copy of a police clearance from the country where he/she is currently practicing medicine that was issued within thirty (30) days preceding the date of the application to practice in the CNMI; and

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

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

Section 3. **Severability.** If any provisions 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 4. **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 the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.
Section 5. Effective Date. This Act shall take effect upon its approval by
the Governor, or its becoming law without such approval.

Attested to by: ________________________________
Linda B. Muña, House Clerk

Certified by: ________________________________
SPEAKER ELICEO "ELI" D. CABRERA
House of Representatives
17th Northern Marianas Commonwealth Legislature

APPROVED this 27th day of September, 2011

BENIGNO R. FITIAL
Governor
Commonwealth of the Northern Mariana Islands