

A BILL FOR AN ACT

To further amend title 41 of the Code of the Federated States of Micronesia, as amended, by amending sections 201, 202, and 207; and by renumbering sections 203 and 205 to 211 as sections 206 and 208 to 214 respectively; and by inserting new sections 203, 204 and 205; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 201 of Title 41 of the Code of the
2 Federated States of Micronesia is hereby amended to read as
3 follows:

4 "Section 201. Short title.

5 This subchapter shall be known and may be cited as
6 the [~~'Medical Health Care Licensing Act of 1986.'~~]
7 'Federated States of Micronesia Medical Licensing
8 Act'."

9 Section 2. Section 202 of Title 41 of the Code of the
10 Federated States of Micronesia is hereby amended to read as
11 follows:

12 "Section 202. Definitions.

13 As used herein unless otherwise indicated by the
14 context:

15 (1) *'Board'* means the FSM Medical Licensing Board.

16 (2) *'Practice of medical health care'* includes
17 activities as a doctor, optometrist, dentist or
18 pharmacist, as those activities may be described by
19 the President or the Board pursuant to this

1 subchapter or amendments hereto.

2 (3) '*President*' means the President of the
3 Federated States of Micronesia.

4 (4) 'Secretary of Health, Education and Social
5 Affairs' means the Secretary of the Department of
6 Health, Education and Social Affairs of the
7 Federated States of Micronesia."

8 Section 3. Sections 203 and 205 to 211 of Title 41 of
9 the Code of the Federated States of Micronesia are hereby
10 renumbered as sections 206 and 208 to 214 respectively.

11 Section 4. Section 204 of title 41 of the Code of the
12 Federated States of Micronesia is hereby renumbered as section
13 207 and amended to read as follows:

14 "Section 207. Regulations; Fee.

15 (1) The President is authorized to promulgate
16 regulations, pursuant to chapter 1 of title 17 of
17 this code, to carry into effect this subchapter. He
18 may delegate this authority to the Board.

19 (2) Authority of the Secretary of Health,
20 Education and Social Affairs to promulgate
21 regulations. In accordance with the provisions of
22 chapter 1 of title 41 of the Code of the Federated
23 States of Micronesia, the Secretary of Health,
24 Education and Social Affairs is hereby authorized
25 and directed to promulgate regulations which shall

1 set forth licensing and practicing standards for
2 persons desiring to practice or persons practicing
3 medicine in the Federated States of Micronesia.
4 Such regulations shall have the force and effect of
5 law."

6 ~~[(2)]~~(3) Any regulations under this subchapter
7 shall include a definition of the term '*practice of*
8 *medical health care*' which shall include activities
9 as a doctor, optometrist, dentist or pharmacist.

10 Such definition shall:

11 (a) be a reasonable approximation of the
12 ordinary understanding of the activities of doctors,
13 optometrists, dentists and pharmacists;

14 (b) exempt students participating in a
15 directly controlled program of medical study; and

16 (c) exempt licensed doctors, optometrists,
17 dentists and pharmacists from such other
18 jurisdictions as may be prescribed by regulation who
19 are in the FSM on consultations and registered with
20 and approved by the Board.

21 ~~[(3)]~~(4) The Board may by regulation require that
22 a fee be paid by applicants for licenses or renewals
23 of licenses. The fees may be different for
24 different types of licenses. In no event shall any
25 fee be greater than \$400.

1 Section 4. Title 41 of the Code of the Federated States
2 of Micronesia is hereby further amended by adding a new
3 section 203 to read as follows:

4 "Section 203. Federated States of Micronesia
5 Medical Licensing Board.

6 There is hereby established a Federated States of
7 Micronesia Medical Licensing Board. The Board shall
8 have three members. The Secretary of Health,
9 Education and Social Affairs or his designee shall
10 represent the National Government. Two members
11 shall be appointed by the President of the Federated
12 States of Micronesia from within the medical field.
13 Members shall be appointed for 4-year terms. A
14 vacancy on the Board shall be filled for the
15 unexpired term by the appointment of a successor.
16 The members of the Board shall elect a Chairman and
17 Vice Chairman in a manner and for such terms as
18 determined by the Board. Two members of the Board
19 shall constitute a quorum. Decisions of the Board
20 shall be made by majority of the members of the
21 Board. Regular meetings shall be held at locations
22 and at times as the Chairman of the Board may
23 designate, and in accordance with regulations
24 promulgated hereunder. Special meetings may be
25 called by the President or the Secretary of Health,

1 Education and Social Affairs. The Board shall have
2 the following duties and functions;

3 (1) To advise and assist the Secretary of Health,
4 Education and Social Affairs in carrying out his
5 duties under section 4 of this act;

6 (2) To examine, study, review, and make
7 recommendations with respect to the issuance,
8 renewal, suspension, or revocation of licenses
9 issued or in effect pursuant to the provisions of
10 this act in accordance with the regulations
11 promulgated hereunder; and

12 (3) To perform such other duties and functions as
13 may be assigned by the President, the Secretary of
14 Health, Education and Social Affairs, or by law."

15 Section 5. Title 41 of the Code of the Federated States
16 of Micronesia is hereby further amended by adding a new
17 section 204 to read as follows:

18 "Section 204. Expenses and compensation of Board
19 members. Members of the Board shall be entitled to
20 necessary travel expenses and to per diem at
21 standard Federated States of Micronesia rates while
22 on the business of the Board. Board members who are
23 neither employees nor officials of the National
24 Government of the Federated States of Micronesia or
25 any State government shall, in addition, be paid \$30

1 per day while on the business of the Board. If a
2 member of the Board is concurrently employed by the
3 Federated States of Micronesia National Government,
4 he shall be granted administrative leave to attend
5 the business of the Board and shall receive his
6 regular salary while on the business of the Board."

7 Section 6. Title 41 of the Code of the Federated States
8 of Micronesia is hereby further amended by adding a new
9 section 205 to read as follows:

10 "Section 205. Appropriation.

11 (1) The sum of \$10,000, or so much thereof as may
12 be necessary, is hereby appropriated from the
13 General Fund of the Federated States of Micronesia
14 for the fiscal year ending September 30, 2005, and
15 to be deemed to include remaining funds from
16 Sections 221(b) and 221(6) of Compact 1 for the
17 purpose of defraying the operating and contingent
18 expenses of the Board.

19 (2) The sum appropriated by subsection (1) of this
20 section shall be placed in "Medical Licensing
21 Revolving Fund" as established by law. The authority
22 of the President to obligate the funds appropriated
23 hereby shall not lapse."

24 Section 7. This act shall become law upon approval by
25 the President of the Federated States of Micronesia or upon

1 its becoming law without such approval.

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3 Date: 9/3/04

Introduced by: /s/ Henry C. Asugar
Henry C. Asugar
(by request)

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