

CHAPTER 2

Health Services Personnel

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SUBCHAPTER I

Licensing

§ 201. Short title.

This subchapter shall be known and may be cited as the “Federal States of Micronesia Medical Licensing Act”.

Source: PL 4-41 § 1; PL 13-55 § 1.

Editor's note: PL 4-41, codified in this subchapter, apparently supersedes PL 3-79 on the same subject. PL 3-79 is not codified.

§ 202. Definitions.

As used herein unless otherwise indicated by the context:

- (1) “Board” means the FSM Medical Licensing Board.
- (2) “Practice of medical health care” includes activities as a doctor, optometrist, dentist or pharmacist, as those activities may be described by the President or the Board pursuant to this subchapter or amendments hereto.
- (3) “President” means the President of the Federated States of Micronesia.
- (4) “Secretary of Health, Education and Social Affairs” means the Secretary of the Department of Health, Education and Social Affairs of the Federated States of Micronesia.

Source: PL 4-41 § 2; PL 4-102 § 1; PL 5-21 § 11; PL 8-45 § 32, modified; PL 13-55 § 2.

§ 203. FSM Medical Licensing Board.

There is hereby established a Federated States of Micronesia Medical Licensing Board. The Board shall have three members. The Secretary of Health, Education and Social Affairs or his designee shall represent the National Government. Two members shall be appointed by the President of the Federated States of Micronesia from within the medical field. Members shall be appointed for four-year terms. A vacancy on the Board shall be filled for the unexpired term by the appointment of a successor. The members of the Board shall elect a Chairman and Vice Chairman in a manner and for such terms as determined by the Board. Two members of the Board shall constitute a quorum. Decisions of the Board shall be made by majority of the members of the Board. Regular meetings shall be held at locations and at times as the Chairman of the Board may designate, and in accordance with regulations promulgated hereunder. Special meetings may be called by the President or the Secretary of Health, Education and Social Affairs. The Board shall have the following duties and functions;

- (1) To advise and assist the Secretary of Health, Education and Social Affairs in carrying out his duties under section 207 of this chapter;

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

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

Source: PL 13-55 § 5.

Editor's note: PL 13-55 § 5 contained a semicolon before the subsections, this has been changed to a colon for format consistency.

Section 3 of PL 13-55 renumbered sections 203 and 205 to 211 of this chapter to 206 and 208 to 214, respectively.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code.

FSM Const., art. IX, § 2(r), as amended, states as follows:

Section 2. The following powers are expressly delegated to Congress:

...

(r) to promote education and health by setting minimum standards, coordinating state activities relating to foreign assistance, providing training and assistance to the states and providing support for post-secondary educational programs and projects.

...

FSM Const., art. XIII, § 1 states as follows:

Section 1. The national government of the Federated States of Micronesia recognizes the right of the people to education, health care, and legal services and shall take every step reasonable and necessary to provide these services.

The provisions of the Constitution are found in Part I of this code.

§ 204. Expenses and compensation of Board members.

Members of the Board shall be entitled to necessary travel expenses and to per diem at standard Federated States of Micronesia rates while on the business of the Board. Board members who are neither employees nor officials of the National Government of the Federated States of Micronesia or any State government shall, in addition, be paid \$30 per day while on the business of the Board. If a member of the Board is concurrently employed by the Federated States of Micronesia National Government, he shall be granted administrative leave to attend the business of the Board and shall

receive his regular salary while on the business of the Board.

Source: PL 13-55 § 6.

§ 205. Appropriation.

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

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

Source: PL 13-55 § 7.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.

The website of the FSM National Government contains announcements, press releases, news, forms, and other information on the National Government at <http://fsmgov.org>.

The official website of the Congress of the Federated States of Micronesia contains the public laws enacted by the Congress, sessions, committee hearings, rules, and other Congressional information at <http://www.fsmcongress.fm/>.

§ 206. License to practice required.

All persons are prohibited from practicing medical health care in the Federated States of Micronesia, except in a training or residency program strictly supervised in accordance with regulations promulgated under this subchapter, unless duly licensed by the Board. Any license to practice medical health care issued pursuant to the authority of this chapter and valid on the effective date of the Act codified in this subchapter shall remain valid until its expiration date.

Source: PL 4-41 § 3; renumbered by PL 13-55 § 3.

Cross-reference: The statutory provisions governing the licensing of nursing are found in chapter 9 of this title.

Editor's note: The “section 201” referred to was repealed by PL 3-79.

§ 207. Regulations; Fee.

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

(2) Authority of the Secretary of Health, Education and Social Affairs to promulgate regulations. In accordance with the provisions of chapter 1 of this title, the Secretary of Health, Education and Social Affairs is hereby authorized and directed to promulgate regulations which shall set forth licensing and practicing standards for persons desiring to practice or persons practicing medicine in the Federated States of Micronesia. Such regulations shall have the force and effect of law.

(3) Any regulations under this subchapter shall include a definition of the term “practice of medical health care” which shall include activities as a doctor, optometrist, dentist or pharmacist. Such definition shall:

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

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

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

(4) The Board may by regulation require that a fee be paid by applicants for licenses or renewals of licenses. The fees may be different for different types of licenses. In no event shall any fee be greater than \$400.

Source: PL 4-41 § 5; PL 4-102 § 2; PL 5-21 § 16; PL 8-45 § 33; renumbered and amended by PL 13-55 § 4.

Cross-reference: Chapter 1 of title 17 of this code is on FSM Administrative Procedures.

The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.

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§ 208. Display and record of licenses.

Each licensee shall post his license in a prominent location at the primary place of practice within the Federated States of Micronesia. A permanent record of each license and each renewal thereof shall be maintained by the Board. Such licenses shall be available for public inspection.

Source: PL 4-41 § 7; PL 5-21 § 16; renumbered by PL 13-55 § 3.

§ 209. Revocation or suspension of license—Disciplinary action.

Any license issued or in effect pursuant to the provisions of this subchapter may be revoked or suspended for cause by the Board. The Board may take such other disciplinary action against the holder of a license as the Board finds appropriate. The provisions of chapter 1 of title 17 of this code shall apply to such action.

Source: PL 4-41 § 7; PL 5-21 § 16; renumbered by PL 13-55 § 3.

Cross-reference: Chapter 1 of title 17 of this code is on FSM Administrative Procedures.

§ 210. Traditional healing arts exempt.

Nothing in this subchapter shall be interpreted to preclude the practice of, or require medical health care licenses for, the traditional healing arts as customarily employed by citizens of the Federated States of Micronesia.

Source: PL 4-41 § 9; PL 5-21 § 16; renumbered by PL 13-55 § 3.

§ 211. Civil liability immunity.

All members of the Board and its experts, specialists, investigators, informers, and consultants shall be immune from civil liability on any claim based on issuance of a license or on any investigation, or on any written or oral statement made to the Board in connection with any official Board proceeding.

Source: PL 4-41 § 10; PL 5-21 § 16; renumbered by PL 13-55 § 3.

§ 209. Confidentiality of records.

All information provided to the Board by an applicant and all information provided to the Board, by any source, in connection with official activities of the Board, shall be confidential and shall be released only in response to a subpoena or court order; provided, however, that applicants shall have access to their records pursuant to procedures established by regulation.

Source: PL 4-41 § 11; PL 5-21 § 16.

Editor's note: PL 13-55 made amendments to this chapter, but did not renumber or repeal former sections 209, 210 or 213.

§ 210. Penalty.

A person who willfully violates any of the provisions of this subchapter or regulations promulgated under this subchapter is guilty of a crime and, upon conviction thereof, shall be fined not more than \$10,000, or imprisoned for not more than one year, or both.

Source: PL 4-41 § 12; PL 5-21 § 16.

Editor's note: PL 13-55 made amendments to this chapter, but did not renumber or repeal former sections 209, 210 or 213.

SUBCHAPTER II

Training

§ 213. Training.

The Department of Health Services, in cooperation with the Department of education, shall conduct or supervise continuing educational programs in the field of public health including preservice and in-service training.

Source: TT Code 1966 § 616; TT Code 1970, 63 TTC 151; TT Code 1980, 63 TTC 151.

Editor's note: This section was renumbered from "209" at the first cumulative supplement to accommodate codification of PL 4-41 in subchapter I.

PL 13-55 made amendments to this chapter, but did not renumber or repeal former sections 209, 210 or 213.

PL 4-42, as amended by PL 4-99, authorized the President to enter into an agreement with the University of Hawaii, obligating the Federated States of Micronesia to provide, for each fiscal year commencing 1986 through 1995, up to \$50,000 of indemnification to the University of Hawaii for medical malpractice claims arising from the conduct of employees and students of the medical officer training school in Pohnpei.

Cross-reference: The statutory provisions on Education are found in title 40 of this code.

