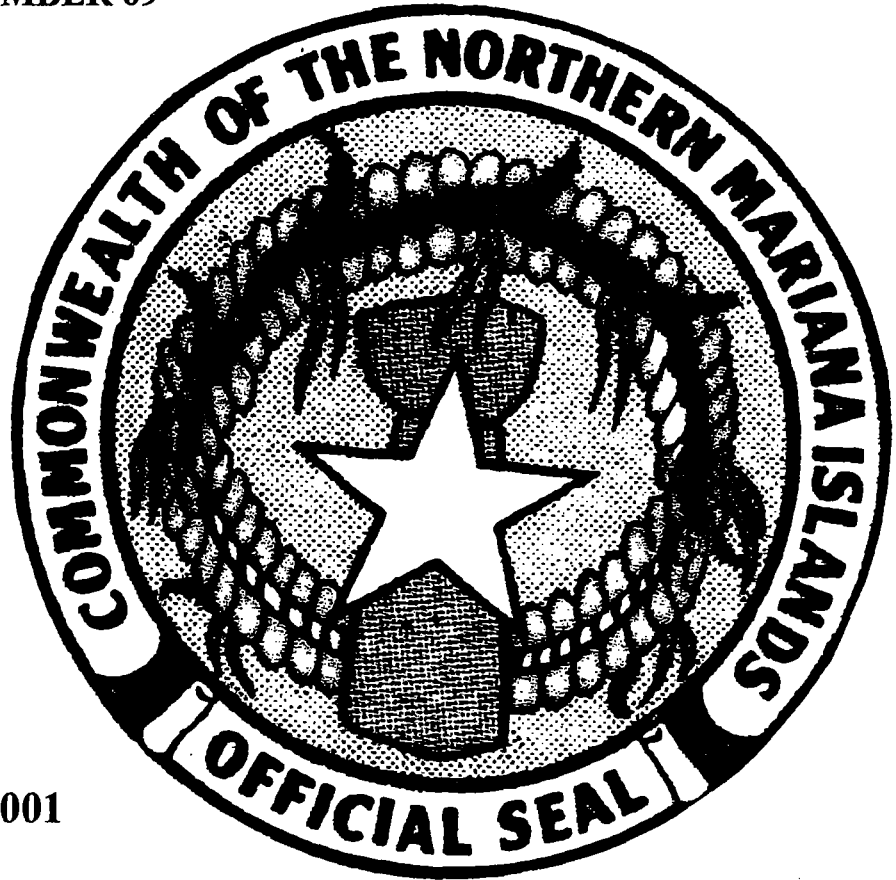


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, MARIANA ISLANDS 96950

VOLUME 23 NUMBER 09



September 24, 2001

COMMONWEALTH

REGISTER

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Volume 23 Number 09

September 24, 2001

TABLE OF CONTENTS

| <u>PROPOSED RULES AND REGULATIONS:</u> | <u>Page</u> |
|--|--------------------|
| Proposed Rules and Regulations Governing Funeral Establishments, Crematoria, and Cemeteries Department of Public Health | 18277 |
| <u>PROPOSED AMENDMENTS OF RULES AND REGULATIONS:</u> | |
| Proposed Rules and Regulations Amendments For Engineers, Architects, Land Surveyors and Landscape Architects Board of Professional Licensing | 18345 |
| Proposed Amendments to Regulations Governing the Administration of the Medical Referral Program Department of Public Health | 18351 |
| Proposed Amendments to Rules and Regulations Governing Food Handlers Department of Public Health | 18359 |
| Proposed Amendments to the Museum's Admission Fees Northern Mariana Islands Museum of History & Culture | 18381 |
| <u>ADOPTED RULES AND REGULATIONS:</u> | |
| Adoption of Amendments to Part 8.8 of Airport Rules and Regulations Commonwealth Ports Authority | 18385 |
| Adoption of Proposed Financial Assistance and Scholarship Rules & Regulations Scholarship Office, Office of the Governor | 18389 |
| <u>EMERGENCY RULES AND REGULATIONS:</u> | |
| Administrative Hearing Procedure Rules and Regulations Board of Public Lands Management | 18398 |
| <u>PUBLIC NOTICE:</u> | |
| Emergency Declaration No. 11-2001, Regarding Tropical Storm Pabuk (14W) (Executive of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan) Office of the Governor | 18405 |
| Emergency Declaration No. 12-2001, Regarding Tropical Storm Pabuk (14) (Termination of the Commonwealth of the Northern Mariana Islands' Emergency Operation of the EOP) Office of the Governor | 18406 |



Commonwealth of the Northern Mariana Islands
Department of Public Health
Office of the Secretary of Public Health



PUBLIC NOTICE

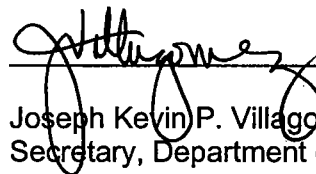
**PROPOSED RULES AND REGULATIONS
GOVERNING FUNERAL ESTABLISHMENTS, CREMATORIA, AND
CEMETERIES**

CONTENTS: These regulations establish minimum standards for the granting of Sanitary Permits for business establishments offering funeral services, including crematoriums and cemeteries. The regulations also establish Burial Permit requirements for applicants seeking to inter or cremate human remains within the CNMI.

INTENT TO ADOPT: The Secretary of the Department of Public Health intends to adopt these regulations as permanent regulations pursuant to 1 CMC Section 9104(a)(1) and (2), and therefore publishes in the Commonwealth Register this notice of opportunity to submit comments. If necessary, a hearing will be provided. Comments on the content of the regulations may be sent to: The Secretary of the Department of Public Health, P.O. Box 500409 CK, Saipan, MP 96950.

AUTHORITY: The Secretary is authorized to promulgate these regulations pursuant to Section 3 of Public Law 12 - 48 (3 CMC Sections 2123(a)(1)) ("The Commonwealth Environmental Health and Sanitation Act of 2000") and Section 9 of Public Law 11 - 117 ("The Public Cemetery Act of 1999.")

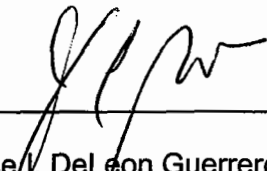
Issued by:


Joseph Kevin P. Villagomez
Secretary, Department of Public Health

8/22/01
Date

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (1- 670) 234-8950 FAX: (1- 670) 234-8930
E-mail: dphsec1@vzpacifica.net

Received by:



Jose J. DeLeon Guerrero
Special Asst. for Administration


09/18/01

Date

Pursuant to 1 CMC Section 2153 as amended by P-L 10-50, the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.


Dated this 23 day of August, 2001.

Herb Soll
Attorney General



Elliott A. Sattler
Assistant Attorney General

Filed and Recorded by:



Soledad B. Sasamoto
Registrar of Corporations

8/21/01

Date

NUTISIAN PUBLIKU

PRINIPONEN AREKLAMENTO YAN REGULASION PARA U
GOBIETNA BISNIS MAHAFOT MANMATAI, LUGAT MASONGGEN TATTAOTAO
MANMATAI, YAN SIMENTEYU SIHA

SUHETU: Este siha na regulasion manma establese para u guaha didide' na kondison gi malaknos Lisensian Sanidat para i bisnis siha ni manman ofrere se setbisun manmatai, enklusu lugat masonggen tattaotao manmatai yan simenteyo siha. Este siha na regulasion lokkue' para u establese kondision Lisensian mahafot manmatai para ayu siha na aplikante i para u fanmanhafot osino songge' tattaotao manmatai gi halom CNMI.

INTENSION INADAPTA: I Sekretariun Dipattamenton Hinemlo' Publiku ha ontesiona para u adapta este siha na regulasion komu petmanente na regulasion sigun 1 CMC Seksiona 9104(a)(1) yan (2) pues ayu mina' mapublika este na nutisian gi Rehistran Commonwealth para oppotunidat mansatmitin komento. Yanggen nisisariu u mana'guaha inekungok publiku. Komento put suhetun regulasion siña manmatuge' ya u manahanao guato para i: Sekretariun dipattamenton Hinemlo' Publiku, P.O. Box 500409 CK, Saipan, MP 96950.

ATURIDAT: I Sekretariu ma aturisa para fatinas este siha na regulasion sigun Seksiona 3 gi Lai Publiku 12-48 (3 CMC Seksiona 2123(a)(1) ("Commonwealth Environmental Health and Sanitation Act of 2000") yan Seksiona 9 Lai Publiku 11-117 ("The Public Cemetery Act of 1999."))

Linaknos as: _____

Joseph Kevin P. Villagomez
Sekretariun, Dipattamenton Hinemlo'
Publiku

Fecha

Rinisibi as: _____
Jose I. Deleon Guererro
Special Asst. for Administration

Fecha

Sigun 1 CMC Seksiona 2153 ni inamenda ni Lai Pupbliku 10-50, i areklamento yan regulasion siha ni chechetton guine esta manma ribisa yan apreba komu ligat yan suficiente na fotma ginen Ofisinan Abugadon Henerat giya CNMI.

Ma fecha gi mina' _____ na dia, Agosto, 2001.

Herbert D. Soll
Abugadon Henerat

Elliott A. Sattler
Assistant Atty. General

Pinelo' yan
rinekot as: _____
Soledad B. Sasamoto
Rehistradoran Kotporasion

Fecha

ARONGORONGOL TOULAP

POMWOL FFÉÉRÚL ALLÉGH YE EBWE LEMELI
BISNISIL FUNERAL, CREMATORIAN ME ULUPEY

AUTOL: Allégh kkaal nge ebwe ayoorá minimum standards reel ísisiíwowul Lisensiyaal Sanitary ngáli Bisnis kka reghal ayoorá alillisil libwillibiir máá, iye ebwal toolong mille rebwe fiighi ilighiir malemá me ulupey. Allégh kkaal nge e pwal ayooral Lisensiyaal mwóghutughutul libwilibwil máá ngáliir applicants iika re bwal mángiyy bwe re pwal fiighi ilighiir aramas kka ra má mellól CNMI.

MÁNGEMÁNGIL ADOPTION: Secretaryil Bwulasiyool Public Health nge e mángiyy bwe ebwe llúgheeyiló allégh kkaal ngáre allégh reel bwángil 1 CMC Tálil 9104(a)(1) me (2)igha e toowow llól Commonwealth Register arongorong yeel bwe toulap rebwe mmwelil atoolong mángemáng me tiip reel autol allégh kkaal. Ngáre e fil nge rebwe ayoorá Arongorongol Toulap. Mángemáng me tiip kka re ischil nge emmwel schagh bwe rebwe afanga ngáli address ye: Secretary of the Department of Public Health, P.O Box 500409 CK, Seipél MP 96950.

BWÁNGIL: Secretary nge eyoor bwángil bwe ebwe féerú allégh kkaal reel aileewal me bwángil Tálil 3 Alléghúl Toulap 12-48 (3 CMC Tálil 2123(a)(1) ("The Commonwealth Environmental and Sanitationa Act of 2000") me Tálil 9 Alléghúl Toulap 11-117 ("The Public Cemetary Act of 1999").

Mereel:

Joseph Kevin P. Villagomez
Seceretary, Department of Public Health

Rál

Bwughiiyal: _____
Jose I. Deleon Guerrero Rál
Special Asst. for Administration

Reel bwángil 1 CMC Tálil 2153 igha e lliiwel sáangi Alléghúl Toulap 10-50, allégh kka e schuulong ighaal nge a takkal mwir me angúungú sáangi Bwulasiyool CNMI Attorney General bwe e fil me attabweey allégh.

E fféer ráálil ye _____ maramal Elúwel 201.

Herbert D. Soll
Attorney General

Elliott A. Sattler
Assistant Attorney General

E file me
Rekood reel: _____
Soledad B. Sasamoto Rál
Registrar of Corporations



Commonwealth of the Northern Mariana Islands
Department of Public Health
Office of the Secretary of Public Health



**PROPOSED RULES AND REGULATIONS
GOVERNING FUNERAL ESTABLISHMENTS, CREMATORIA, AND
CEMETERIES**

Citation of

Statutory Authority:

The Secretary is authorized to promulgate these regulations pursuant to Section 3 of Public Law 12 - 48 (3 CMC Sections 2123(a)(1)) ("The Commonwealth Environmental Health and Sanitation Act of 2000") and Section 9 of Public Law 11 - 117 ("The Public Cemetery Act of 1999.")

Short Statement of

Goals and Objectives:

These regulations establish minimum standards for the granting of Sanitary Permits for business establishments offering funeral services, including crematoriums and cemeteries. The regulations also establish Burial Permit requirements for applicants seeking to inter or cremate human remains within the CNMI.

*Brief Summary
of the Rules:*

The rules provide for:

- (1) sanitary permitting procedures for funeral establishments, crematoria, and cemeteries;
- (2) burial arrangements, permit application, and fees;
- (3) infection control;
- (4) funeral service operational requirements;
- (5) disposition and exhumation of human remains;
- (6) sanitary inspections; and
- (7) suspension, revocation of sanitary permit.

For Further

Information, Contact:

John Tagabuel, Acting Director
Bureau of Environmental Health
Telephone: 670 - 664 - 4870
Facsimile: 670 - 664 - 4871

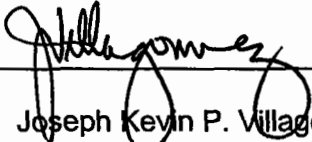
P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (1- 670) 234-8950 FAX: (1- 670) 234-8930
E-mail: dphsec1@vzpacifica.net

Citation of Affected

Rules and Regulations: "Regulations Governing Interments and Dead Bodies,"
Commonwealth Register Vol. 17, No. 1, January 15, 1995.

"Rules and Regulations Governing the Operation,
Management, and Maintenance of Cemeteries,"
Commonwealth Register Vol. 6, No. 6, June 15, 1984.

Submitted by:



Joseph Kevin P. Villagomez
Secretary, Department of Public Health

8/21/2001

Date

**RULES AND REGULATIONS GOVERNING THE HEALTH,
SAFETY, AND SANITATION OF THE CNMI
CHAPTER 20**

**CEMETERIES AND MORTUARIES;
FUNERAL ESTABLISHMENTS, SERVICES, AND
CREMATORIA**

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Department of Public Health
Division of Public Health
Bureau of Environmental Health

August 2001

TABLE OF CONTENTS

| | | |
|------------|--|-----------|
| 1.0 | <u>DEFINITIONS</u> | 3 |
| 2.0 | <u>SANITARY PERMITTING PROCEDURES FOR FUNERAL ESTABLISHMENTS, CREMATORIA AND CEMETERIES</u> | 8 |
| 2.1 | <u>SANITARY PERMITTING REQUIREMENTS</u> | 8 |
| 2.2 | <u>BRANCH OFFICE SANITARY PERMITS</u> | 8 |
| 2.3 | <u>SANITARY PERMIT APPLICATION AND FEES</u> | 8 |
| 2.4 | <u>SANITARY PERMIT RENEWALS</u> | 9 |
| 2.5 | <u>DISPLAY OF SANITARY PERMITS</u> | 9 |
| 2.6 | <u>CHANGE OF OWNERSHIP, OPERATION OR LOCATION</u> | 9 |
| 3.0 | <u>BURIAL ARRANGEMENTS, PERMIT APPLICATION AND FEES</u> | 10 |
| 3.1 | <u>BURIAL ARRANGEMENTS</u> | 10 |
| 3.2 | <u>BURIAL PERMIT APPLICATION</u> | 11 |
| 3.3 | <u>FEES</u> | 12 |
| 3.4 | <u>BURIAL PERMIT RECORDS</u> | 13 |
| 4.0 | <u>INFECTION CONTROL</u> | 13 |
| 4.1 | <u>RESPONSIBILITIES</u> | 13 |
| 4.2 | <u>PREVENTION PLANS</u> | 13 |
| 4.3 | <u>UNIVERSAL PRECAUTIONS</u> | 14 |
| 4.4 | <u>WASTE MANAGEMENT</u> | 14 |
| 4.5 | <u>PROTECTIVE CLOTHING AND LAUNDRY</u> | 15 |
| 4.6 | <u>EMPLOYEE HEALTH PRECAUTIONS</u> | 16 |
| 4.7 | <u>PUBLIC HEALTH PRECAUTIONS</u> | 18 |
| 5.0 | <u>FUNERAL SERVICE OPERATIONAL REQUIREMENTS</u> | 18 |
| 5.1 | <u>PRESERVING AND STORAGE OF HUMAN REMAINS</u> | 18 |
| 5.2 | <u>EMBALMING REQUIREMENTS</u> | 19 |
| 5.3 | <u>TRANSPORT REQUIREMENTS WITHIN THE CNMI</u> | 19 |
| 5.4 | <u>TRANSPORT REQUIREMENTS INTO OR OUTSIDE OF THE CNMI</u> | 21 |
| 5.5 | <u>FUNERAL ESTABLISHMENT OPERATIONAL AND SANITARY REQUIREMENTS</u> | 23 |
| 5.6 | <u>CREMATORIUM OPERATIONAL AND SANITARY REQUIREMENTS</u> | 26 |
| 6.0 | <u>DISPOSITION AND EXHUMATION OF HUMAN REMAINS</u> | 29 |
| 6.1 | <u>GENERAL DISPOSITION</u> | 29 |
| 6.2 | <u>DISPOSITION OF ABANDONED REMAINS</u> | 29 |
| 6.3 | <u>EXHUMATION PROCEDURES</u> | 30 |
| 6.4 | <u>CEMETERY OPERATIONAL REQUIREMENTS</u> | 31 |
| 7.0 | <u>SANITARY INSPECTIONS</u> | 33 |
| 7.1 | <u>PRE-OPERATION INSPECTION</u> | 33 |
| 7.2 | <u>INSPECTION FREQUENCY</u> | 33 |
| 7.3 | <u>INSPECTION FOR PERMIT RENEWAL</u> | 34 |
| 7.4 | <u>ADDITIONAL INSPECTIONS</u> | 34 |
| 7.5 | <u>ACCESS TO PREMISES AND DUE NOTICE</u> | 34 |
| 7.6 | <u>INSPECTION REPORTS; DEMERIT VALUES; DEMERIT SCORES</u> | 35 |
| 7.7 | <u>CONTENT OF INSPECTION REPORTS</u> | 35 |
| 7.8 | <u>SERVICE OF INSPECTION REPORTS</u> | 36 |
| 7.9 | <u>TIMELY CORRECTION OF VIOLATIONS OF CRITICAL CONTROL POINTS</u> | 36 |
| 7.10 | <u>RE-GRADING AFTER CORRECTIVE ACTION</u> | 37 |
| 7.11 | <u>VERIFICATION AND DOCUMENTATION OF CORRECTION</u> | 37 |

8.0 SUSPENSION, REVOCATION OF SANITARY PERMIT.....37

8.1 SUSPENSION AND REVOCATION OF PERMIT37

8.2 REINSTATEMENT OF PERMIT38

8.3 REVOKED PERMIT MAY NOT BE REINSTATED38

8.4 NO NEW PERMIT38

8.5 CLOSING.....38

8.6 NOTIFICATION OF COMMISSIONER OF PUBLIC SAFETY.....39

8.7 NOTICE POSTED OF CLOSURE.....39

8.8 INSPECTION REPORT PUBLIC INFORMATION39

8.9 PENALTIES AND FINES FOR VIOLATIONS OF THE ACT39

8.10 CEASING OPERATIONS AND REPORTING39

8.11 RESUMPTION OF OPERATIONS39

8.12 SEVERABILITY40

8.13 REPEAL CLAUSE.....40

9.0 REFERENCES41

10.0 SCHEDULE A.....42

10.1 RETURN TO WORK DATES FOR PARASITIC INFESTATIONS.....42

10.2 RETURN TO WORK DATES FOR VIRAL ILLNESSES42

10.3 RETURN TO WORK DATES FOR BACTERIAL INFECTIONS.....43

11.0 APPENDIX A.....44

11.1 BURIAL PERMIT44

12.0 APPENDIX B.....45

12.1 ON ISLAND BURIAL TRANSIT CERTIFICATE45

13.0 APPENDIX C.....46

13.1 OFF ISLAND BURIAL TRANSIT CERTIFICATE.....46

14.0 APPENDIX D.....47

14.1 AUTHORIZATION TO EMBALM OR CREMATE47

15.0 APPENDIX E48

15.1 CREMATION CERTIFICATE48

16.0 APPENDIX F49

16.1 EXHUMATION PERMIT49

17.0 APPENDIX G.....50

17.1 FUNERAL ESTABLISHMENT, CREMATORIUM AND CEMETERY INSPECTION REPORT FORM50

1.0 DEFINITIONS

Whenever used in these rules and regulations, the following terms shall have the meaning set forth below:

- 1.1 "Alternative container" means an unfinished wood box or other non-metal receptacle or enclosure resistant to leakage or spillage, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of fiberboard, pressed-wood, composition materials (with or without an outside covering) or like materials used to transport human remains to their final disposition.
- 1.2 "BEH" means the Bureau of Environmental Health within the Department of Public Health.
- 1.3 "Board" means the CNMI Medical Profession Licensing Board.
- 1.4 "Body parts":
 - 1.4.1 "Body parts" means limbs or other human anatomy that are removed from a person or human remains for medical purposes during treatment, medical procedures, surgery, biopsy, autopsy, or medical research; or human bodies or any portion of bodies that have been donated to science for medical research purposes.
 - 1.4.2 "Preserved body parts" means a body part(s) that has been placed into a preservative, such as but not limited to formaldehyde, which due to its hazardous nature requires special handling to prevent human exposure.
- 1.5 "Burial Permit" means the authority granted by BEH to release human remains, not including historical human remains, for burial.
- 1.6 "Burial Plot" means a parcel of land or lot used for interment of human remains in a cemetery.
- 1.7 "Casket" means a rigid container resistant to leakage or spillage, which is designed for the encasement of human remains and which is usually ornamented and lined with fabric.
- 1.8 "Columbarium" means a structure or room, or other space in a building or structure of durable or lasting fireproof construction, containing niches, used or intended to be used, as an interment site to contain cremated human remains.
- 1.9 "CNMI" means the Commonwealth of the Northern Mariana Islands.
- 1.10 "Coved" means a curved piece of molding placed where the juncture of the wall and floor meet that is used to prevent dirt or grime from settling in this space by providing a smooth curved surface that may be cleaned easily.
- 1.11 "CHC" means the Commonwealth Health Center.

- 1.12 "Communicable Disease" means a disease caused by an infectious agent or the toxic product produced by an infectious agent that can be transmitted directly or indirectly from one individual to another.
- 1.13 "Cradle-to-grave manifest" means the documented chain of custody records kept by generators of bio-hazardous or hazardous waste, which includes information about the amount and type of waste accumulated, the date of generation, and the names of all individuals handling the waste from point of generation to the waste's final disposal.
- 1.14 "Cremated remains" means all human remains recovered after the completion of the cremation, which may possibly include the residue of any foreign matter including casket material, clothing, or eyeglasses, that was cremated with the human remains.
- 1.15 "Cremation" means a procedure whereby a dead human body or body parts shall be reduced by direct flame to residue that includes bone fragments, which may then be pulverized to coarse powdery consistency.
- 1.16 "Crematorium" means a fixed place, establishment or premises licensed to do business as a crematorium that is devoted to the activities which are incident, convenient, or related to the care, preparation and arrangement, financial and otherwise, for the cremation of human dead bodies and including, but not limited to, a suitable room with all instruments and supplies used for the cremation services.
- 1.17 "Critical control points" means a fundamental element of a process or procedure that must be carried out in a specific controlled manner to ensure that the overall process or procedure does not create an unacceptable health risk or produce an byproduct that creates an unacceptable health risk.
- 1.18 "Crypt" means an above ground chamber in a mausoleum of sufficient size to contain human remains.
- 1.19 "Death Certificate" means a document reporting the death of a human being that has been duly attested to by a licensed physician, filed with the CNMI's Recorder's Office, and copies submitted to the Office of Vital and Health Statistics within the Department of Public Health.
- 1.20 "Department" or "DPH" means the Department of Public Health.
- 1.21 "DLNR" means the Department of Lands and Natural Resources.
- 1.22 "DPW" means the Department of Public Works.
- 1.23 "Embalmer" means any person licensed by the Board and engaged, or holding him or herself out as engaged in the practice, science, or profession of embalming.
- 1.24 "Embalming" means the practice, science or profession of preserving, disinfecting, and preparing a dead human body for burial or transport by injection of an embalming fluid both arterially and into the body cavities.
- 1.25 "Exhumation" means the removal of human remains from a burial site for the purpose of transferring the remains to another burial site or for performing investigative procedures authorized by CNMI authorities.

- 1.26 "Funeral" means a period following death in which there are religious services or other rites or ceremonies with the human remains of the deceased present.
- 1.27 "Funeral director" means any person engaged, or holding himself or herself out as engaged in the practice or profession of funeral service, or with a title intending to imply or designate him or her as a funeral director or undertaker.
- 1.28 "Funeral director of record" means the funeral director registered with BEH as the person in charge of a funeral establishment, crematorium, or cemetery.
- 1.29 "Funeral establishment" means a fixed place, establishment or premises licensed to do business as a funeral establishment and operated by a funeral director of record that is devoted to funeral services and the activities which are incident, convenient, or related to the care, preparation and arrangement, financial and otherwise, for the funeral, transportation and burial, or other disposition of human remains and including, but not limited to, a suitable room with all instruments and supplies used for the storage and/or preparation of dead human bodies for burial or other disposition.
- 1.30 "Funeral merchandise" means those items that are normally presented for sale as part of the funeral establishment operation on a for-profit basis. These items include but are not limited to caskets, alternative containers, burial clothing, burial vaults, urns, and grave markers.
- 1.31 "Funeral Service" means:
 - 1.31.1 Conducting funeral ceremonies; or
 - 1.31.2 Providing cremation services; or
 - 1.31.3 Making the arrangements for disposition of human remains, excluding historic human remains, that may include but not limited to dressing or adorning the body.
- 1.32 "Historical burial site" means the site at which historical human remains are placed or buried.
- 1.33 "Historical human remains" means the lifeless remains of a human being that died during or prior to the end of World War II (1945) and is not interred in a public cemetery.
- 1.34 "Human remains" means the lifeless remains of a human being that died after 1945.
- 1.35 "Imminent Health Hazard" means a significant threat or danger to the health, safety and welfare of the public that is considered to exist when there is evidence sufficient to show that t product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent harm or injury to persons in the community based on:
 - 1.35.1 the extent of the potential harm or injury; and
 - 1.35.2 the nature, severity, and duration of anticipated harm or injury.

- 1.36 "Interment" means the burial of human remains into a cemetery burial plot, burial at sea, or the placement of human remains into a vault, crypt of a mausoleum, or the placement of cremated human remains into a niche of a columbarium.
- 1.37 "Intern" means any person engaged in learning the science, practice or profession of embalming under the instruction and supervision of an embalmer preceptor duly licensed and registered with the Board.
- 1.38 "Mausoleum" means an above ground structure or building of durable or lasting construction containing crypts or spaces that are used, or intended to be used, as a final burial site.
- 1.39 "Next of kin" means the spouse, children over 18 years of age, parents, or siblings of the deceased, in this order of priority.
- 1.40 "Off Island Burial Transit Certificate" means documentation accompanying human remains, not including historic human remains, entering or leaving the CNMI that contains signatures from persons releasing the remains to the custody of the common carrier(s) transporting the remains, as well as information as to how the human remains were prepared and to which country the human remains shall be released for final disposition.
- 1.41 "Office of Statistics" means the Office of Vital and Health Statistics, Bureau of Health Planning within the Department.
- 1.42 "On Island Burial Transit Certificate" means the documentation accompanying human remains, not including historical human remains, transported within the CNMI containing the signatures of all individuals who accepted custody of said human remains from point of origin on through to final disposition.
- 1.43 "Person" means an individual, association, corporation, partnership, other legal entity, government, or governmental subdivision or agency.
- 1.44 "Private Cemetery" means a place or area set apart on hallowed ground to serve as the final resting-place for the dead, which is managed by a funeral director of record. This term also includes all facilities located on the site generally associated or found in cemeteries, which may include, but not be limited to, mausoleums, columbaria, parking lots, landscaped areas, a chapel, a house of meditation or other structures appropriate in a cemetery.
- 1.45 "Public Cemetery" means a place or area set apart to serve as the final resting-place for the dead and managed by a funeral director of record for the CNMI Government or the Office of Veteran Affairs. This term also includes all public facilities located on the site generally associated or found in public cemeteries, which may include, but not be limited to, mausoleums, columbaria, parking lots, landscaped areas, a chapel, a house of meditation or other structures appropriate in a cemetery.
- 1.46 "Responsible person" means the person who has accepted responsibility for contacting the proper authorities and professionals to arrange the care, preparation, preservation, transport, or final disposition of human remains.

- 1.47 "Sanitary Permit" means the authority granted by BEH for a physical establishment to be used to conduct funeral services based on the environmentally safe, healthy and sanitary maintenance and management of operations.
- 1.48 "Secretary" means the Secretary of the Department or his/her Duly Authorized Representative.
- 1.49 "Urn" means a canister, box, or sealable container used to enclose cremated human remains.
- 1.50 "Vault" means a below ground concrete or hollow block chamber of sufficient size to contain human remains.

2.0 SANITARY PERMITTING PROCEDURES FOR FUNERAL ESTABLISHMENTS, CREMATORIA AND CEMETERIES

2.1 Sanitary Permitting Requirements

- 2.1.1 No person shall conduct, maintain, manage or operate a funeral establishment, funeral establishment branch office, crematorium, or cemetery without a valid Sanitary Permit issued to him or her by BEH.
- 2.1.2 A Sanitary Permit shall not be required by those persons who solely conduct religious ceremonies, or who dress or adorn human remains, if the deceased did not die from nor was afflicted with a highly communicable disease.
- 2.1.3 A permitted funeral establishment, funeral establishment branch office, crematorium or cemetery must be distinct and separate from other non-funeral service related activities including, but not limited to private dwellings and other business establishments.
- 2.1.4 No Sanitary Permit to operate a funeral establishment, funeral establishment branch office, crematorium, or cemetery shall be issued by BEH unless the applicant for the permit has satisfied all of the requirements listed below:
 - 2.1.4.1 Has been issued a Certificate of Occupancy for all structures from DPW;
 - 2.1.4.2 Holds a valid business license for funeral services; and
 - 2.1.4.3 Employs a licensed embalmer or funeral director registered with BEH who shall be in charge of the funeral establishment, funeral establishment branch office, crematorium, or cemetery as the funeral director of record.

2.2 Branch Office Sanitary Permits

- 2.2.1 The branch office of a funeral establishment shall have a separate Sanitary Permit, but shall not be required to employ a separate funeral director of record.
 - 2.2.1.1 One (1) branch office shall be allowed to operate under the funeral establishment permit, and this one (1) branch office may be permitted to operate without a preparation room.

2.3 Sanitary Permit Application and Fees

- 2.3.1 Sanitary Permit Applications for a funeral establishment, funeral establishment branch office, crematorium, or cemetery shall be made on forms furnished by BEH which specify what services the establishment shall offer such as storage, preparation, embalming, cremation, interment and/or ceremonial services.
- 2.3.2 All applications for Sanitary Permits shall be accompanied by a fee as set forth in the Department's Schedule of Fees.

- 2.3.3 BEH shall issue a Sanitary Permit to the applicant upon receipt of:
 - 2.3.3.1 a completed application specifying the funeral director of record;
 - 2.3.3.2 the application fee; and
 - 2.3.3.3 a recommendation to permit the applicant by BEH Health Inspector, as specified in a completed inspection report.
- 2.3.4 Every Sanitary Permit issued under this section shall specify the name of the establishment as listed on the application and the funeral director(s) of record.
- 2.4 Sanitary Permit Renewals
 - 2.4.1 All Sanitary Permits issued under the provisions of these regulations shall be renewed annually by the holders thereof.
 - 2.4.2 The Sanitary Permit holder shall pay to BEH a yearly renewal fee as set forth in the Department's Schedule of Fees for each funeral establishment, funeral establishment branch office, crematorium, and cemetery Sanitary Permit.
 - 2.4.3 Applications accompanied by the renewal fee shall be filed with BEH twenty (20) working days prior to the expiration date of the Sanitary Permit for each year.
 - 2.4.3.1 Applications filed after twenty (20) working days prior to the expiration date of the Sanitary Permit shall be accompanied by a late fee as set forth in the Department's Schedule of Fees in addition to the renewal fee cited above.
 - 2.4.4 The Sanitary Permit holder whose establishment continues to operate after the Sanitary Permit(s) has lapsed shall be penalized as provided in Section 8.9 of these regulations.
 - 2.4.5 BEH shall keep a register in which the names of all persons to whom Sanitary Permits have been issued under this section and the establishments' funeral directors of record shall be entered. That register shall be open to public inspection upon request at BEH.
- 2.5 Display of Sanitary Permits
 - 2.5.1 A valid Sanitary Permit shall be displayed at all times in a conspicuous place in the premises as designated by the Secretary.
- 2.6 Change of Ownership, Operation or Location
 - 2.6.1 A Sanitary Permit shall be issued to a specific permit holder for a specific location. Any change in management, ownership, or location shall require that a new Sanitary Permit be obtained by the establishment. Sanitary Permits are not transferable or assignable.
 - 2.6.2 The permit holder shall give BEH written notice by hand delivery or by certified mail, within ten (10) working days from the date of termination of employment, for any cause, of the funeral director of record for the funeral establishment, branch office, crematorium, or cemetery.

- 2.6.2.1 The Sanitary Permit shall expire twenty (20) working days from the date BEH was notified by the permit holder of the termination if no new funeral director is registered with BEH as the funeral director of record.
- 2.6.2.2 No funeral services shall be conducted at the funeral establishment, branch office, crematorium, or cemetery without a funeral director being registered with BEH as the funeral director of record for that establishment.
- 2.6.3 Any person who inherits any ownership interest in a funeral establishment, branch office, crematorium, or cemetery may continue to conduct the business of that establishment as their ownership interest would allow, contingent upon the following:
 - 2.6.3.1 the person has experience with meeting with families to arrange for the conducting of funeral services;
 - 2.6.3.2 the person files with BEH a statement of change-of-fact concerning that inheritance; and
 - 2.6.3.3 the business is conducted in compliance with all the requirements of these rules and regulations.

3.0 BURIAL ARRANGEMENTS, PERMIT APPLICATION AND FEES

3.1 Burial Arrangements

- 3.1.1 Upon an individual being pronounced legally dead by a licensed physician, the next of kin or other responsible person(s) shall be responsible for the following:
 - 3.1.1.1 obtaining a Death Certificate from the Department;
 - 3.1.1.2 arranging the dressing or adorning of human remains of the deceased at a permitted funeral establishment with refrigerated storage facilities or the CHC morgue; and
 - 3.1.1.3 arranging the transport of the human remains to the place of final disposition given that the deceased did not die from or while afflicted by a communicable disease.
 - 3.1.1.3.1 Should the deceased have died as the result of or while afflicted by a communicable disease, arranging for a licensed embalmer, permitted funeral establishment director of record, or medical professional to store, preserve, and transport the human remains to the place of final disposition.
- 3.1.2 If human remains of no historical significance are discovered and reported as unclaimed to the Department, the Secretary shall notify the Department of Public Safety and arrange to have the human remains brought to the CHC

morgue for storage in a refrigeration unit until an investigation is completed. The Secretary shall also arrange for the final disposition of the human remains as provided in the Department's "Regulations Governing Interments and Dead Bodies".

3.1.2.1 The human remains shall not be embalmed, should preservation be necessary, until the police investigation is complete or until the Chief of the Criminal Division of the Office of the Attorney General has noted by written consent that the body may be embalmed.

3.1.2.2 If the deceased was a foreign national, the Secretary shall make every effort to contact the appropriate authorities so that they may make the necessary arrangements for final disposition of the human remains in the country of origin.

3.1.2.3 Should the authority of the country of origin decline acceptance of the human remains, the Secretary shall make the necessary arrangements for final disposition within the CNMI as specified in Section 6.2 of these rules and regulations.

3.1.3 All historic human remains shall be reported to the Historical Preservation Office for any and all exhumation, storage, transfer, preparation, and/or final disposition arrangements.

3.2 Burial Permit Application

3.2.1 Burial on Land

3.2.1.1 A Burial Permit (see Appendix A), shall be issued for a specific location and shall not be transferable.

3.2.1.2 No person shall be permitted to inter human remains, not including historic human remains, anywhere within the CNMI other than in an approved burial site in a private or public cemetery, or at sea as authorized by the Secretary.

3.2.1.3 The next of kin or other responsible person(s) of the deceased shall apply for a Burial Permit to inter the human remains within the CNMI, or apply for an Off Island Burial Transit Certificate with the Department and make arrangements for a common carrier to ship the human remains to a destination outside of the CNMI for final disposition.

3.2.1.4 To prevent the possibility of disease transmission, no person shall be permitted to inter human remains without embalming or cremation if the deceased died as a result of or while afflicted by the plague, cholera, smallpox, epidemic typhus fever, yellow fever, louse-borne relapsing fever, or any other highly contagious communicable disease. Exceptions shall be allowed in those cases where the condition of the body precludes embalming.

3.2.1.5 A Burial Permit shall not be required:

- 3.2.1.5.1 should a person wish to keep cremated human remains in perpetuity without interment in a niche of a columbarium or other burial site; or
- 3.2.1.5.2 should a person wish to scatter cremated human remains if the cremated remains are first removed from their container. The container may then be kept by said person or properly disposed.

3.2.1.6 Should the Burial Permit applicant wish to inter human remains in a burial plot, niche, vault, or crypt within a cemetery in the CNMI, the permit shall only be granted if:

- 3.2.1.6.1 the applicant completes a Burial Permit form accompanied by the Burial Permit fee(s);
- 3.2.1.6.2 the original Death Certificate is filed with the CNMI Recorder's Office and copies submitted to the Office of Statistics and BEH;
- 3.2.1.6.3 arrangements have been made to prepare, store or preserve the human remains for burial with an On Island Burial Transit Certificate;
- 3.2.1.6.4 a burial plot has been acquired in a private cemetery, or if the burial is to be in a public cemetery, the burial plot fee has been paid and the location approved by DLNR, or the Office of Veteran Affairs; and
- 3.2.1.6.5 the cemetery holds a valid Sanitary Permit.

3.2.2 Burial at Sea

3.2.2.1 A Permit for burial at sea shall only be granted if:

- 3.2.2.1.1 the applicant completes a Burial Permit form accompanied by the Burial Permit fee(s);
- 3.2.2.1.2 the original Death Certificate is filed with the CNMI Recorder's Office and copies submitted to the Office of Statistics and BEH;
- 3.2.2.1.3 arrangements have been made to prepare, store or preserve the human remains for burial with an On Island Burial Transit Certificate; and
- 3.2.2.1.4 the human remains are taken by boat from any harbor, or by air, for burial at sea at a point not less than three miles from the nearest shoreline.

3.3 Fees

3.3.1 Applications for the Burial Permit shall be made on forms furnished by the

Department accompanied by an application fee of fifty dollars (\$50.00).

3.4 Burial Permit Records

3.4.1 The original copy of the Burial Permit shall be given to the applicant for submission to the funeral director of record who has been hired to arrange the interment of the deceased. One copy shall be kept in BEH's files for five (5) years and a second copy shall be submitted to the Office of Statistics by BEH.

4.0 INFECTION CONTROL

4.1 Responsibilities

4.1.1 The Funeral Director of Record of a funeral establishment with embalming facilities, or of a crematorium, shall have an infection control program. The program shall comply with the requirements of this subsection of these Rules and Regulations.

4.2 Prevention Plans

4.2.1 Funeral directors, embalmers, and funeral establishment employees shall comply with the Occupational Safety and Health Administration's (OSHA) "Bloodborne Pathogen Standards to prevent occupational and public exposure to bloodborne pathogens".

4.2.2 The establishment funeral director(s) of record shall be responsible for ensuring that employees comply with OSHA requirements including, but not limited to:

4.2.2.1 a written exposure control plan, which contains policies and detailed procedures for the safe and effective management of accidents and infectious waste with contingencies for emergencies, e.g., spills, needle sticks, waste bag ruptures, equipment failures, etc.;

4.2.2.2 appropriate staff training in personal safety equipment usage, universal precautions, proper waste disposal, first aid, etc.;

4.2.2.3 providing engineering controls, e.g., fume hoods, ventilation systems, etc.,

4.2.2.4 work practice controls, such as prohibiting the recapping of used needles, promoting frequent hand washing and changing of gowns or aprons, etc;

4.2.2.5 adoption of universal precautions;

4.2.2.6 availability of personal protective equipment, gloves, and clothing;

4.2.2.7 hepatitis B vaccinations for all employees working with human remains; and

4.2.2.8 following an established protocol for evaluation in the event that an exposure occurs.

4.3 Universal Precautions

- 4.3.1 All equipment, refuse receptacles, and work surfaces shall be cleaned and decontaminated after direct contact with blood or other potentially infectious materials, and on a regular daily cleaning schedule.
- 4.3.2 Contaminated work surfaces shall be decontaminated with a disinfectant used according to manufacturer's recommendations and on the following occasions:
 - 4.3.2.1 after completion of procedures;
 - 4.3.2.2 immediately or as soon as feasible when surfaces are overtly contaminated;
 - 4.3.2.3 after any spill of blood or other potentially infectious materials; and
 - 4.3.2.4 at the end of each work shift.
- 4.3.3 Broken glassware, reusable blades, knives, needles or other sharp objects that are contaminated with blood or other potentially infectious materials shall be:
 - 4.3.3.1 properly disposed of in a closing, puncture resistant, leak proof container that is marked with the Universal Biological Hazards symbol or color coded and is readily accessible to the work area; and
 - 4.3.3.2 sterilized, incinerated, or subject to chemical disinfecting according to manufacturer's recommendations prior to disposal.
- 4.3.4 Broken glassware, reusable blades, knives, needles or other sharp objects ("sharps") that are contaminated with blood or other potentially infectious materials shall:
 - 4.3.4.1 not be picked up directly with the hands, but handled using a brush and dustpan or forceps; and
 - 4.3.4.2 not be stored or processed in a manner that requires employees or hired maintenance staff to reach by hand into containers where sharps have been placed.

4.4 Waste Management

- 4.4.1 A sufficient number of leak proof and clearly marked appropriate waste containers with lids (where necessary), shall be readily available to prevent any and all waste from overflowing in such a manner as to risk employee exposure or to create a harborage for vermin.
- 4.4.2 Waste storage containers shall be stored in an area with access limited to personnel authorized to handle waste disposal.
- 4.4.3 All hazardous waste, including but not limited to formaldehyde, ethanol, or other preservatives, shall be segregated, and stored away from all other wastes and:
 - 4.4.3.1 If disposed of on site, disposal methods shall meet DEQ environmental standards; and

- 4.4.3.2 if to be disposed of off site, such waste shall only be handled and transported for final disposal by a DEQ registered hazardous waste transporter.
- 4.4.4 All infectious waste, blood products, body parts, and fluids, pathological waste, contaminated broken glassware, reusable blades, knives, needles or other sharp objects, and contaminated body parts shall be considered regulated medical waste and segregated from all other waste at the point of generation.
- 4.4.5 The funeral director of record shall keep an account of the number of containers of waste produced, as well as the type of waste produced.
- 4.4.6 All regulated medical waste shall be collected by a DEQ permitted bio-hazardous waste transporter and destroyed by incineration in a DEQ permitted incinerator. The transporter shall sign receipt of the waste in the facility's cradle-to-grave manifest. A copy of the manifest shall be kept by the funeral director of record in the establishment's records.
- 4.4.7 Pathological waste shall be incinerated, sterilized, or disinfected. Sterilized or disinfected material may be finely ground and flushed into a drain leading to a wastewater disposal system approved by DEQ.
- 4.4.8 Contaminated body parts shall be sterilized, incinerated or undergo chemical disinfecting according to manufacturer's recommendations prior to disposal.
- 4.4.9 Regulated medical waste shall be placed in a non-soluble plastic bag, which is clearly marked with the Universal Biological Hazards symbol, or if applicable into plastic autoclaveable bags, which shall:
 - 4.4.9.1 be tightly closed when full so as to contain the waste completely for transport;
 - 4.4.9.2 not be compacted;
 - 4.4.9.3 be of sufficient number and of an appropriate thickness to prevent spillage or rupture throughout storage, transport and disposal;
 - 4.4.9.4 be sterilized by autoclaving or incineration; and
 - 4.4.9.5 be transported in leak proof rigid or semi-rigid portable containment systems or carts, or vehicle compartments clearly marked with the Universal Biological Hazard symbol and handled in a manner that shall minimize rupturing, spillage and dissemination or aerosolization during transport.
- 4.4.10 Reusable carts, bins or other containment systems shall be cleaned after each use and disinfected daily when in use.
- 4.4.11 The establishment shall be in compliance with applicable sections of CNMI laws and regulations governing the generation, transportation, storage, treatment, management and disposal of regulated medical, hazardous and bio-hazardous waste.

4.5 Protective Clothing and Laundry

- 4.5.1 Contaminated laundry or reusable protective clothing shall not be handled directly, but handled using disposable gloves, and as little as possible.
- 4.5.2 Contaminated laundry shall be bagged in plastic or placed in a marked or color-coded container in a designated location.
- 4.5.3 Contaminated linens, sheets, smocks or gowns shall not be used for more than one work period without being sanitized and laundered.
- 4.5.4 Contaminated laundry and reusable protective clothing shall be washed separately from other laundry and autoclaved observing universal precautions.
- 4.6 Employee Health Precautions
 - 4.6.1 Employees shall be required to report to the person in charge, information about their health and activities as they relate to illnesses or diseases that are transmissible through general close contact.
 - 4.6.2 An employee shall report the information in a manner that allows the person in charge to prevent the likelihood of disease transmission, including:
 - 4.6.2.1 the date of onset of an infestation or illness as specified in this section; and
 - 4.6.2.2 the "return to work date" or date when treatment shall be complete or when the employee shall no longer be contagious (see Schedule A).
 - 4.6.3 if the employee is diagnosed with:
 - 4.6.3.1 head lice, he or she may return to work twenty four hours (24 hr.) after treatment is completed;
 - 4.6.3.2 body lice, he or she may return to work twenty four hours (24 hr.) after treatment is completed;
 - 4.6.3.3 scabies, he or she may return to work twenty four hours (24 hr.) after treatment is started;
 - 4.6.3.4 a viral childhood disease such as:
 - 4.6.3.4.1 Chicken Pox, he or she shall abstain from work after exposure, and may return to work after all vesicles have become dry;
 - 4.6.3.4.2 Rubella, he or she may return to work seven (7) days after onset of rash;
 - 4.6.3.4.3 Measles, he or she shall abstain from work after exposure, and may return to work four (4) days after the onset of rash; or
 - 4.6.3.4.4 Mumps, he or she may return to work nine (9) days after the onset of swelling.
 - 4.6.3.5 Active Tuberculosis (TB), he or she may return to work upon notification by DPH's Center for Tuberculosis and Lung Disease; or

- 4.6.3.6 Cholera, he or she may return to work upon his or her attending physician's recommendation.
- 4.6.4 An employee shall also report information should he or she have any of the following symptoms, which may indicate presence of disease identified in section 4.6.3 above:
 - 4.6.4.1 itching, general skin or scalp irritation;
 - 4.6.4.2 chills and fever;
 - 4.6.4.3 nausea; or
 - 4.6.4.4 persistent cough.
- 4.6.5 An employee shall also report information should he or she has a pustular lesion such as a boil or infected wound that is open or draining and is:
 - 4.6.5.1 on the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single use glove is worn over the impermeable cover;
 - 4.6.5.2 on exposed portions of the arms, unless the lesion is protected by an impermeable cover; or
 - 4.6.5.3 on other parts of the body, unless the lesion is covered by a dry, durable tight-fitting bandage.
- 4.6.6 An employee shall also report information should they meet one or more of the following high-risk conditions:
 - 4.6.6.1 He or she is suspected of causing, or being exposed to, a confirmed outbreak caused by *Pediculus humanus capitis*, *P. humanus humanus*, *P. humanus corporis*, *Borrelia recurrentis*, *Pthirus pubis* infestation, viruses associated with childhood illnesses, or by *Mycobacterium tuberculosis* or *Vibrio cholera*, including an outbreak within a school or at a social setting because the employee:
 - 4.6.6.1.1 shared clothing, towels, or other items that may come into direct contact with hair or skin of a person who is infested with the parasite that caused the outbreak or who is suspected of being a carrier of the parasite; or
 - 4.6.6.1.2 is not immune to the illness by previous exposure and had spent a considerable amount of time with a person who is ill with the pathogen that caused the outbreak or who is suspected of being a carrier of the pathogenic agent.
 - 4.6.6.2 If he or she are not immune and live in the same household as a person who is diagnosed with a viral childhood illness, has an active case of TB, or cholera; or

- 4.6.6.3 If he or she are not immune and live in the same household as a person who attends or works in a setting where there is a confirmed outbreak of a viral childhood illness, active cases of TB, or cholera.
- 4.6.7 The person in charge shall exclude an employee from working in a funeral establishment, funeral establishment branch office, or crematorium during the period of contagion if the employee is diagnosed with an active case of head or body lice, scabies, a viral childhood illness, TB, or cholera.
- 4.6.8 The person in charge may remove an exclusion due to an active case of head or body lice, scabies, a viral childhood illness, TB, or cholera if:
 - 4.6.8.1 The person excluded provides the person in charge written medical documentation from a licensed physician that specifies that the excluded person may work in an unrestricted capacity in the establishment because the person is free of the pathogenic agent(s) of concern or is not contagious as demonstrated through medical examination or laboratory testing, or by compliance with the "return to work dates" as specified in Sections 4.5.2 and 4.5.3.
- 4.6.9 An employee shall, in a manner specified in Section 4.5.2, report to the person in charge the information specified in Sections 4.5.2 – 4.5.4 and comply with exclusions and restrictions that are specified in 4.5.5.
- 4.7 Public Health Precautions
 - 4.7.1 The human remains of any person whom died as the result of, or while afflicted by, the plague, cholera, smallpox, epidemic typhus fever, yellow fever, or louse-borne relapsing fever, or other term indicating a highly contagious or communicable disease shall be embalmed, except in those cases where the condition of the body precludes embalming, or cremated prior to holding ceremonial funeral services, shipping on a common carrier, or conducting the final interment.
 - 4.7.2 Attendance at a public funeral for any person who has died as the result of the plague, cholera, smallpox, epidemic typhoid, yellow fever, louse-borne relapsing fever or other term indicating such disease shall be restricted to those persons who are not in the quarantinable stage of the disease as determined by the Secretary.

5.0 FUNERAL SERVICE OPERATIONAL REQUIREMENTS

5.1 Preserving and Storage of Human Remains

- 5.1.1 Once human remains have been received by the CHC morgue or a funeral director from the Burial Permit holder, the remains shall be stored in a properly designed refrigeration unit unless they are embalmed (see Section 5.2.3), cremated, or interred within twenty four (24) hours, as witnessed by the funeral director's signature on an On Island Burial Transit Certificate.

5.1.2 Due to the CNMI's subtropical climate, should the Burial Permit holder wish to hold an open casket viewing of the deceased during a funeral ceremony, the Permit holder, or if retained, the funeral director of record, shall ensure that the human remains are stored or preserved, and interred in one of the following manners:

5.1.2.1 Embalmed before the viewing and subsequently interred or cremated within forty eight (48) hours;

5.1.2.2 If not embalmed before the viewing, held no longer than ten (10) hours with the casket open after which time the casket shall be closed and the body shall be returned to refrigerated storage, or interred, or cremated within twenty four (24) hours; or

5.1.2.3 Refrigerated for the duration of the viewing, then returned to refrigerated storage, or interred or cremated within twenty four (24) hours.

5.2 Embalming Requirements

5.2.1 No person shall embalm human remains unless licensed by the Board as an embalmer or registered with a permitted funeral establishment as an intern under the direct supervision of another licensed embalmer.

5.2.2 No human remains shall be embalmed if the death is subject to investigation by autopsy, but such remains shall be stored in a properly designed refrigeration unit.

5.2.3 Embalmed human remains shall be interred at a burial site or niche within a mausoleum, or cremated within forty eight (48) hours after death.

5.2.4 Human remains shall be embalmed according to the "Federal Trade Commission, Funeral Industry Practices", and the arteries and body cavities of the remains shall be injected with an embalming fluid of at least the equivalent of ten percent (10%) of the body weight.

5.3 Transport Requirements within the CNMI

5.3.1 General Preparation for Transport

5.3.1.1 The human remains of any person whom died as the result of, or while afflicted by, the plague, cholera, smallpox, epidemic typhus fever, yellow fever, louse-borne relapsing fever, or other term for these diseases indicating a highly contagious or communicable disease shall be embalmed if the condition of the body permits, or cremated prior to disposition.

5.3.1.2 No person within the CNMI other than a funeral director, licensed medical professional, or emergency medical technician shall transport from one house, building or other structure to another, unembalmed human remains of any deceased individual who died from, or while afflicted by, a highly communicable disease that poses an imminent health hazard. The next of kin or other

responsible person(s) of the deceased shall contact a permitted funeral establishment, crematorium, or licensed medical facility to arrange transport of the deceased to another location.

5.3.2 Casket Rentals for Transport Purposes

5.3.2.1 Human remains transported within the CNMI shall be enclosed in a strong, sealed outer case to prevent seepage of body fluids to the outside.

5.3.2.2 When caskets are made available to rent for transport or on any other temporary basis to save burial expenses, the following provisions shall apply:

5.3.2.2.1 said caskets shall be manufactured specifically for multi-use purposes and advertised as such;

5.3.2.2.2 no casket manufactured for a single use shall be used more than once; and

5.3.2.2.3 funeral directors shall inform the next of kin or other responsible person(s) of its previous use and obtain written authorization from them acknowledging the fact that the funeral merchandise provided has been previously used in whole or in part.

5.3.3 Transport Documentation for within CNMI

5.3.3.1 An On Island Burial Transit Certificate shall be prepared by the funeral director, licensed medical professional, or emergency medical technician who receives human remains from the next of kin or other responsible person(s) prior to releasing the human remains to the custody of the transporter.

5.3.3.2 The On Island Burial Transit Certificate shall contain the following information (see Appendix B):

5.3.3.2.1 name of the deceased and official date of death;

5.3.3.2.2 an indication whether or not a communicable disease is suspected or known to have afflicted the deceased;

5.3.3.2.3 the name of the person who initially releases the human remains for transport, to pronounce the body legally dead, for preparation, or disposition, and every person thereafter who accepts the human remains for transport, to pronounce the body legally dead, for preparation, or disposition;

5.3.3.2.4 the place where the deceased was originally located, and any place thereafter where the human remains were stored, from the time of death to the time of final disposition;

5.3.3.2.5 the name of the funeral director accepting the human remains for final disposition; and

5.3.3.2.6 the specific location and date of final disposition.

5.4 Transport Requirements Into or Outside of the CNMI

5.4.1 Preparation for Transport

5.4.1.1 The human remains of any person whom died as the result of, or while afflicted by, the plague, cholera, smallpox, epidemic typhus fever, yellow fever, louse-borne relapsing fever, or other term for these diseases indicating a highly contagious or communicable disease shall be embalmed if the condition of the body permits, or cremated prior to shipping on a common carrier.

5.4.1.2 No person shall transport into the CNMI human remains, not including historic human remains, unless the human remains were handled in one of the following manners:

5.4.1.2.1 embalmed according to the Federal Trade Commission, "Funeral Industry Practices"; or

5.4.1.2.2 cremated to prevent any possible threat of disease transmission.

5.4.1.3 No person shall transport out of the CNMI human remains, not including historic human remains, unless the human remains were handled in one of the following manners:

5.4.1.3.1 embalmed according to the Federal Trade Commission, "Funeral Industry Practices";

5.4.1.3.2 cremated to prevent any possible threat of disease transmission; or

5.4.1.3.3 the next of kin or other responsible person(s) of the deceased has obtained a waiver from both the common carrier shipping the human remains and the governing authority of the State or Country that shall accept the human remains for final disposition. The waiver shall also clearly state that embalming or cremation is not required for the human remains to be released and accepted in the State or Country of their final intended destination.

5.4.2 Casket Rentals for Transport Purposes

5.4.2.1 The human remains transported into or out of the CNMI shall be enclosed in a strong, sealed outer case to prevent seepage of body fluids to the outside.

- 5.4.2.2 When caskets are made available to rent for transport or on any other temporary basis to save burial expenses, the following provisions shall apply:
 - 5.4.2.2.1 said caskets shall be manufactured specifically for multi-use purposes and advertised as such;
 - 5.4.2.2.2 no casket manufactured for a single use shall be used more than once; and
 - 5.4.2.2.3 funeral directors shall inform the next of kin or other responsible person(s) of its previous use and obtain written authorization from them acknowledging the fact that the funeral merchandise provided has been previously used in whole or in part.
- 5.4.2.3 The original On Island Burial Transit Certificate, and if applicable the Burial Permit, shall be kept by the funeral director of record and a copy submitted to the Office of Statistics and BEH where it shall be kept on file for at least five (5) years.
- 5.4.3 Transport Documentation to Ship Into or Outside of the CNMI
 - 5.4.3.1 Human remains shipped into the CNMI shall include a valid State or Country Burial Transit Certificate designating the preservation methods used or waiver thereof.
 - 5.4.3.2 A Burial Transit Certificate issued under the law of another State, which accompanies human remains brought into the CNMI for final disposition, shall be authority for final disposition of the human remains in the CNMI.
 - 5.4.3.3 An Off Island Burial Transit Certificate shall be prepared for the shipment of human remains outside of the CNMI. The funeral director, licensed medical professional, or emergency medical technician shall prepare the documentation before receiving human remains from the next of kin or other responsible person(s) and subsequently releasing the human remains to the custody of the common carrier.
 - 5.4.3.4 The Off Island Burial Transit Certificate shall contain the following information (see Appendix C):
 - 5.4.3.4.1 name of the deceased and official date of death;
 - 5.4.3.4.2 an indication that the human remains pose no public health hazard accompanied by a waver from the common carrier and the country of final disposition;
 - 5.4.3.4.3 the name of the person who initially releases the human remains, and the person(s) accepting the human remains to pronounce death, to prepare the remains for transport, and any person thereafter who accepts custody of the

human remains until they are released to the common carrier;

5.4.3.4.4 the place where the deceased was prepared for transport;

5.4.3.4.5 the name of the common carrier that will transport the body outside of the CNMI; and

5.4.3.4.6 the common carrier's signed authorization to transport the human remains and the date of transport.

5.4.3.5 The original Off Island Burial Transit Certificate shall accompany the human remains during transit to the Country of final disposition, and copies shall be submitted to the Office of Statistics and BEH.

5.5 Funeral Establishment Operational and Sanitary Requirements

5.5.1 Documentation

5.5.1.1 Should the human remains, not including historical human remains, need to be embalmed, the funeral establishment funeral director of record shall also complete an Authorization To Embalm Or Cremate and submit copies to the Office of Statistics and BEH.

5.5.1.2 An Authorization To Embalm Or Cremate shall contain the following information (see Appendix D):

5.5.1.2.1 name and signature of the next of kin or responsible person(s) who authorizes embalming;

5.5.1.2.2 relationship of that person to the deceased;

5.5.1.2.3 date that authorization was given; and

5.5.1.2.4 name of the person receiving authorization to embalm on behalf of the funeral establishment or crematorium.

5.5.2 Operational Requirements

5.5.2.1 Each funeral establishment that is constructed or extensively remodeled shall obtain a valid Certificate of Occupancy from DPW verifying that the renovated structure complies with the provisions of the Building Safety Code and the Department of Public Safety's Fire and Safety standards, before applying for a Sanitary Permit or Permit renewal. Should a funeral establishment be operating out of a preexisting structure that was converted into a funeral establishment, the person in charge shall also obtain a valid Certificate of Occupancy from DPW prior to applying for a Sanitary Permit.

5.5.2.2 Any funeral establishment that comes into possession of cremated human remains, whether or not it performed the cremation in its crematorium, shall retain the remains until they are delivered,

placed or shipped pursuant to the instructions of the person(s) entitled to custody or control of the cremated remains.

5.5.3 Sanitary Requirements

5.5.3.1 The funeral establishment shall be maintained in good repair and operated in a safe, healthy, and sanitary manner to prevent any potential harm from befalling the establishment's personnel or the public.

5.5.3.2 Each funeral establishment that is used for the care and preparation of human remains for burial, storage or transportation, as well as for visitation and ceremonial funeral services, shall have two structurally separate rooms. One shall be used for the care, preparation, and custody of the human remains, and a separate room shall be used for confidential funeral arrangement conferences and ceremonies.

5.5.3.3 Both the preparation room and the conference room shall:

5.5.3.3.1 be kept in good repair, clean and maintained in such a manner as to present no potential hazards to the health, safety or welfare of the employees or the public;

5.5.3.3.2 be adequately lighted throughout all the rooms to avoid accidents due to poor visibility and to make dirt and debris easily visible to ensure thorough cleaning each day;

5.5.3.3.3 be adequately ventilated at all times to eliminate odor and supply a frequent air exchange;

5.5.3.3.4 have readily assessable toilet and hand washing facilities provided with tissue, liquid soap, soap dispensers and disposable towels or hot air hand dryer(s) for employees and the public;

5.5.3.3.5 have readily available running drinking water provided in adequate quantities to ensure that toilet facilities work properly at all times and that the facility is cleaned at least daily and more frequently as required to maintain a sanitary environment;

5.5.3.3.6 be connected to the Commonwealth Utility Corporation's sewer system or have a DEQ permitted individual wastewater disposal system;

5.5.3.3.7 be maintained in good repair and free of trash or garbage accumulation by the provision of an adequate number of appropriate refuse containers. The general refuse containers shall be kept in a convenient location, and shall not act as a harborage for insects, rodents or other vermin;

5.5.3.3.8 have a contract with a DEQ permitted bio-hazardous waste transporter for regulated medical waste pickup; and

5.5.3.3.9 as a safety measure, have a stocked first aid kit readily available for responding to minor medical incidences such as fainting, distress or other minor ailments that may occur during daily operations or ceremonial services.

5.5.3.4 Preparation Room

5.5.3.4.1 Access doors to the preparation room shall be self closing and the floor shall be sealed with tile, cement, or other nonabsorbent flooring that is easily cleanable. Floor and wall junctures shall be coved and have gaps no wider than a 1 mm (1/32"). The floor shall also be equipped with a floor drain and shall be graded towards the drain for easy rinsing and cleaning.

5.5.3.4.2 A ducted exhaust air ventilation system shall be provided. This system shall create directional airflow that draws air into the work area through the entryway. The exhaust air shall not be re-circulated to any other area of the building, shall be discharged to the outside, and shall be dispersed away from occupied areas and air intakes. The system shall be operational and maintained in good repair at all times.

5.5.3.4.3 The room shall be fully equipped with industry approved instruments and equipment such as embalming tables, hoppers, sinks, etc., designed for the express purpose of preparing and embalming human remains for burial, transportation, or other disposition, which shall be well maintained in a clean and sanitary condition.

5.5.3.4.4 All preparation and embalming instruments and equipment shall be made of nonabsorbent easily cleanable material, which shall be properly cleaned and sterilized between each use.

5.5.3.4.5 Sterilization shall be performed using an autoclave, sterilizer, or sanitizing solution used according to the manufacturer's recommendations between each use.

5.5.3.4.5.1 Sterilized equipment and utensils shall be stored in a designated location separated from used or soiled equipment and utensils.

5.5.3.4.6 The preparation room shall be devoted to activities related to the preparation of human remains, storage, or

embalming and for no other purpose.

5.5.3.4.7 The room's storage facilities shall be secure from access by all unauthorized persons.

5.5.3.4.8 No food or drink shall be allowed within the preparation room at any time.

5.5.3.4.9 An eye wash station, first aid kit, and hand washing facilities shall be readily available to employees.

5.5.3.4.10 No person shall be permitted in the preparation room during the course of preparation or embalming except employees of the funeral establishment, next of kin or other responsible person(s) of the deceased, and/or persons authorized by the next of kin or other responsible person(s) of the deceased.

5.5.4 The Funeral Establishment Grounds shall be:

5.5.4.1 maintained free of trash and garbage accumulation by the provision of an adequate number of refuse containers. The refuse containers shall be equipped with tight fitting lids, kept in a convenient location, and not act as a harborage for insects, rodents or other vermin; and

5.5.4.2 well maintained in that vegetation is cut frequently to prevent overgrowth, which may act as a harborage for insects, rodents or other vermin.

5.6 Crematorium Operational and Sanitary Requirements

5.6.1 Documentation

5.6.1.1 Should the human remains, not including historical human remains, need to be cremated, the funeral establishment or crematorium funeral director of record shall complete an Authorization To Embalm Or Cremate and submit copies to the Office of Statistics and BEH.

5.6.1.2 An Authorization To Embalm Or Cremate shall contain the following information (see Appendix D):

5.6.1.2.1 name and signature of the next of kin or responsible person(s) who authorizes cremation;

5.6.1.2.2 relationship of that person to the deceased;

5.6.1.2.3 date that authorization was given; and

5.6.1.2.4 name of the person receiving authorization to cremate on behalf of the funeral establishment or crematorium.

5.6.1.3 The next of kin or other responsible person(s) shall be required to personally identify the human remains prior to cremation and sign

the Authorization to Embalm or Cremate. If this is not possible, the human remains shall not be cremated.

5.6.1.4 Cremation within 24 hours of death

5.6.1.4.1 A Cremation Certificate (see Appendix E), issued by the Secretary shall only be necessary should the Burial Permit applicant request that a deceased person be cremated within twenty four (24) hours after his or her death, or if the Secretary has established that the deceased died of a contagious or infectious disease that poses an imminent health hazard.

5.6.1.4.2 Prior to issuing a Cremation Certificate, the Secretary shall determine that the cause and manner of death is such that no further examination or judicial inquiry is necessary. Only then may a Cremation Certificate be granted by the Secretary.

5.6.1.4.3 The human remains shall not be cremated by any crematorium until the funeral director of record has received the original Cremation Certificate from the Secretary.

5.6.1.4.4 After the cremation has been performed, the crematorium shall submit copies of the Cremation Certificate to the Office of Statistics and BEH by hand delivery or certified mail.

5.6.1.4.5 A cremation of human remains, not including historic human remains, shall not be performed until the necessary documentation and consents are issued pursuant to these rules and regulations.

5.6.2 Operational Requirements

5.6.2.1 A crematorium employee shall not accept custody of unidentified human remains.

5.6.2.2 Human remains designated for cremation shall be cremated without unreasonable delay.

5.6.2.3 When the crematorium is unable to cremate the human remains immediately upon accepting custody, the crematorium shall provide a secured refrigerated holding facility that shall comply with section 5.1 of these rules and regulations and applicable public health laws, and that preserves the dignity of the human remains.

5.6.2.4 Crematorium holding facilities shall be secure from access by all unauthorized persons.

5.6.2.5 Any crematorium which comes into possession of cremated human remains, whether or not it performed the cremation, shall retain the

remains until they are delivered, placed or shipped pursuant to the instructions of the person(s) entitled to custody or control of the cremated remains.

- 5.6.2.6 A metal, indestructible identifying disk shall be placed in the cremation chamber with the human remains for the purpose of identifying said remains. The name of the crematorium and the business license number shall be imprinted on said disk.
- 5.6.2.7 The crematorium shall not simultaneously cremate more than one (1) dead body within the same cremation chamber.
- 5.6.2.8 Upon completion of each cremation, the human remains shall be removed and the chamber shall be cleaned and all recoverable residue of the cremation process shall be removed before each successive set of human remains are inserted.
- 5.6.2.9 The funeral director shall ensure that all prostheses, bridgework, pacemaker or other medical device(s) are removed from the remains prior to cremation and these personal affects are delivered to the next of kin or other responsible person(s).
- 5.6.2.10 Each urn into which cremated remains are placed shall be made of a durable material, which shall enclose the cremated remains entirely.
- 5.6.2.11 Cremated remains shall be enclosed in an urn that is packed securely into a box, which has been securely sealed.
 - 5.6.2.11.1 Cremated remains shall only be shipped by a method which has an internal tracing system available and which provides a receipt signed by the person accepting delivery.

5.6.3 Sanitary Requirements

- 5.6.3.1 The floor shall be sealed with tile, cement, or other nonabsorbent flooring that is easily cleanable. Floor and wall junctures shall be coved and have gaps no wider than a 1 mm (1/32"). The floor shall also be equipped with a floor drain and shall be graded towards the drain for easy rinsing and cleaning.
- 5.6.3.2 A ducted exhaust air ventilation system shall be provided. This system shall create directional airflow that draws air into the work area through the entryway. The exhaust air shall not be re-circulated to any other area of the building, shall be discharged to the outside, and shall be dispersed away from occupied areas and air intakes. The system shall be operational and maintained in good repair at all times.
- 5.6.3.3 The preparation room shall be devoted to activities related to the preparation of human remains, storage, or cremation, and for no other purpose.

- 5.6.3.4 No food or drink shall be allowed within the preparation or incineration chamber area at any time.
- 5.6.3.5 No person shall be permitted in the crematory preparation room or incineration chamber area while any human remains are in the area awaiting cremation, or being cremated, or while the cremation remains are being removed from the cremation chamber, except employees of the crematorium, next of kin or other responsible person(s) of the deceased, and/or persons authorized by the next of kin or other responsible person(s) of the deceased.
- 5.6.4 The Crematorium Grounds shall be:
 - 5.6.4.1 maintained free from trash and garbage accumulation by the provision of an adequate number of refuse containers. The refuse containers shall be equipped with tight fitting lids, kept in a convenient location, and shall not act as a harborage for insects, rodents or other vermin; and
 - 5.6.4.2 well maintained in that vegetation is cut frequently to prevent overgrowth, which may act as a harborage for insects, rodents or other vermin.

6.0 DISPOSITION AND EXHUMATION OF HUMAN REMAINS

6.1 General Disposition

- 6.1.1 All human remains prepared for final disposition shall be treated in a dignified fashion, and burial or cremation arrangements made in an expedient manner.
- 6.1.2 No human remains, excluding historic human remains, may be interred without a Burial Permit.
- 6.1.3 Only embalmed human remains may be interred into a crypt of a mausoleum.
- 6.1.4 This section shall not apply to the cremation or interment of various body parts from different human bodies.

6.2 Disposition of Abandoned Remains

- 6.2.1 The Secretary may arrange with a funeral establishment or crematorium for unclaimed human remains, excluding historic human remains, to be interred or cremated after said bodies have remained unclaimed for more than two (2) weeks after all reasonable attempts have been made and due diligence exercised to contact the next of kin or other responsible person(s) through a public notice in a newspaper of general circulation to come forth to identify said bodies.
- 6.2.2 Records documenting where unclaimed human remains were interred or cremated shall be maintained by the funeral establishment director of record that provided the funeral services, the Office of Statistics and BEH.
- 6.2.3 This section shall not apply to the cremation or interment of various body parts

from different human bodies.

6.3 Exhumation Procedures

- 6.3.1 Exhumation applications for historical human remains should be obtained from the Historical Preservation Office.
- 6.3.2 Exhumation of interred human remains for legal or health related reasons shall only be performed upon obtaining an Exhumation Permit (see Appendix F), from the Department.
- 6.3.3 The Secretary shall only consider an application for exhumation from the following authorities or person(s):
 - 6.3.3.1 a member of the next of kin or other responsible person(s) of the deceased for the intent purpose of relocation to another burial plot, for cremation, or for an investigative autopsy to be performed by a licensed pathologist; or
 - 6.3.3.2 the attending physician of the deceased or the Commissioner of the Department of Public Safety for the specific purpose of conducting an investigative autopsy to be performed by a licensed pathologist; or
 - 6.3.3.3 the Historical Preservation Office for the specific purpose of relocating or conducting an archaeological investigation of historical burial sites, war dead, or historical human remains.
- 6.3.4 Exhumation Permits shall include the name of the applicant; if possible, the name of the deceased to be exhumed; location from which the human remains are to be removed; and to where the remains shall be relocated for interment, cremation, or investigative procedures.
- 6.3.5 All applications for an Exhumation Permit for legal or health related reasons shall be accompanied by a fee as set forth in the Department's Schedule of Fees.
- 6.3.6 Applications for an Exhumation Permit for legal or health related reasons shall be received by BEH twenty (20) working days prior to the requested date of exhumation. Once received, the Secretary shall have twenty (20) working days to:
 - 6.3.6.1 if possible, confirm the original location of the deceased with the Office of Statistics and the funeral director of record who performed the initial interment or his or her duly authorized agent, or other acting person in charge;
 - 6.3.6.2 if applicable, the Secretary shall contact the private or public cemetery funeral director of record to schedule a date for the exhumation to take place, and;
 - 6.3.6.3 approve the exhumation on the condition that the exhumation poses no public health hazard and that only funeral establishment employees or medical professionals familiar with proper infection

control methods as set forth in section 4.0 of these rules and regulations perform the exhumation.

- 6.3.7 The funeral director of record or Secretary shall ensure that during an exhumation for legal or health related reasons, all individuals coming into direct contact with exhumed human remains that were not embalmed or cremated, or where preparation of the remains prior to burial is unknown, shall wear disposable protective clothing, eyewear, and masks. This precaution is necessary to prevent possible transmission to those individuals exhuming the human remains if viable pathogens are present.
- 6.3.8 Exhumed human remains, not including historic human remains, shall be placed in a sturdy leak proof container for transport to the new site of disposition, or to where the investigative procedures are to take place.
- 6.3.9 Upon interring the human remains which were exhumed for legal or health related reasons, an On Island Burial Transit Certificate, an Exhumation Permit, and a new Burial Permit (at no additional fee) shall accompany the remains and be signed by the appropriate custodians.
 - 6.3.9.1 the original documents shall be kept by the funeral director of record or responsible person(s) receiving the human remains for final disposition and kept in the cemetery records for five (5) years.
 - 6.3.9.2 Copies of the On Island Burial Transit Certificate and the Exhumation Permit shall be submitted to the Office of Statistics and BEH.
- 6.3.10 Exhumations of human remains, not including historic human remains, shall be conducted during regular government office hours.

6.4 Cemetery Operational Requirements

6.4.1 General Requirements

6.4.1.1 All cemetery grounds are *recommended* to contain a crematorium, columbarium and mausoleum(s) to make the best use of available land.

6.4.1.1.1 Mausoleums or columbaria therein shall be:

6.4.1.1.1.1. designed by an architect familiar with the specific structural requirements for mausoleums and columbaria and who is licensed by the CNMI Board of Professional Licensing; and

6.4.1.1.1.2. constructed by a construction firm that holds a valid CNMI business license ; or

6.4.1.1.1.3. if already constructed, the structure has been permitted by DPW as meeting the requirements of the Building Safety Code.

- 6.4.1.2 Each burial plot shall be numbered and given a specific burial assignment.
 - 6.4.1.3 The cemetery funeral director of record shall keep a current and accurate map and burial plot record showing the location of each burial plot. An update of these maps shall be provided to the Office of Statistics and BEH annually on the renewal date of the cemetery's Sanitary Permit.
 - 6.4.1.4 Only one (1) body shall be interred per burial plot except when a waiver provided by the funeral director of record stating that the Burial Permit applicant of the recently deceased, and the Burial Permit applicant or responsible person(s) of the previously interred, consent to the multiple use of the burial plot for other family members or loved ones.
 - 6.4.1.4.1 Multiple use burial plots shall not be disturbed or exhumed for reuse until a period of at least five (5) years has transpired since a previous burial unless the Burial Permit applicant also applies for an Exhumation Permit with the Department.
 - 6.4.1.5 Upon completion of the burial, cemetery personnel shall backfill each burial plot or should the next of kin or other responsible person(s) wish, they shall backfill the burial plot under the supervision of cemetery personnel.
 - 6.4.1.6 Cemetery funeral directors of record shall provide for regular maintenance of the cemetery grounds to control vegetation and ensure accessibility to the cemetery at all times.
 - 6.4.1.7 No permanent plants shall be permitted to be planted directly in the soil of a burial plot in any cemetery although a vase or pot may be installed flush with the ground near the grave marker for the placement of flowers or other plants.
- 6.4.2 Public Cemetery Requirements
- 6.4.2.1 Public cemetery grounds shall be subdivided into burial plots of such dimension to accommodate one adult, child or infant sized casket for burial.
 - 6.4.2.1.1 Adult sized burial plots shall be six feet (6') deep and eight feet by four feet (8' x 4') in dimension, and provide a space of three feet (3') between other burial plots on each side and six feet (6') between each row.
 - 6.4.2.1.2 Child sized burial plots shall be six feet (6') deep and, six feet by four feet (6' x 4') in dimension, and provide a space of three feet (3') between other burial plots on each side and six feet (6') between each row.
 - 6.4.2.1.3 Infant sized burial plots shall be six feet (6') deep and

three feet by three feet (3' x 3') in dimension, and provide a space of three feet (3') between other burial plots on each side and six feet (6') between each row.

- 6.4.2.2 Upon receipt of an application for a Burial Permit in a public cemetery, BEH shall contact DLNR to ensure that the applicant has been assigned a burial plot.
- 6.4.2.3 Markers for a burial plot within a public cemetery shall be contained entirely within the plot allowing at least one foot (1') of clearance from the edge of the boundary on each side. This distance is meant to prevent encroachment of markers from one burial plot onto adjacent plots and to facilitate ground maintenance.
- 6.4.2.4 Markers within a public cemetery shall be no taller than 3' in height to prevent potential damage that may result from typhoons or gale force winds.
- 6.4.2.5 Markers for mausoleum crypts, or columbarium niches, within a public cemetery shall be no larger than twelve inches by eighteen inches (12" x 18"), made of weather resistant material, and mounted flush beneath the crypt or niche.

7.0 SANITARY INSPECTIONS

7.1 Pre-operation Inspection

- 7.1.1 Before a Sanitary Permit is issued, a BEH Health Inspector shall conduct one or more pre-operation inspections to verify that:
 - 7.1.1.1 the applicant has been issued a business license by the Department of Commerce to conduct the particular business for which the Sanitary Permit is being requested;
 - 7.1.1.2 the applicant has obtained a Certificate of Occupancy from the DPW; and
 - 7.1.1.3 the applicant's establishment is sanitary and complies with the requirements of these rules and regulations.

7.2 Inspection Frequency

- 7.2.1 Once a Sanitary Permit has been granted to an applicant, a BEH Health Inspector shall conduct an inspection of the establishment at least once every six (6) months thereafter unless otherwise provided below. A sample Inspection Report is attached to this rules and regulations as Appendix G.
- 7.2.2 Except as provided in subsection 7.4 below, at such time that an establishment receives a grade "A" on three (3) consecutive inspections, inspections of the establishment shall be reduced to one (1) per year until such time that the establishment receives a grade "B" or lower on an inspection. After receiving a grade "B" or lower, the establishment shall be subject to inspections once

every six (6) months until such time that the establishment again qualifies for the reduced number of inspections under this section.

7.3 Inspection for Permit Renewal

7.3.1 The BEH Health Inspector shall physically inspect an establishment before issuing an annual renewal of the Sanitary Permit.

7.4 Additional Inspections

7.4.1 Additional inspections shall be prioritized, and may be conducted more frequently than once every six (6) months based on consideration of the following:

7.4.1.1 past performance on an inspection which uncovered adverse public health conditions and nonconformance with critical control points as specified in these regulations;

7.4.1.2 the number of people who may be affected should an imminent health hazard occur, and whether the population served is a highly susceptible population to the potential hazard; and

7.4.1.3 complaints received by the Secretary concerning the establishment's operation or sanitary condition that may present an unacceptable health risk.

7.5 Access to Premises and Due Notice

7.5.1 After the BEH Health Inspector presents official credentials and provides notice of intent to inspect the establishment or premises during the hours of operation or other reasonable time, the person in charge shall permit the BEH Health Inspector access, either in the company of an employee or otherwise, to all persons employed by, and to all parts of the establishment or premises, and shall permit examination and copying of any and all records, to insure compliance with these rules and regulations. If the person in charge denies access to the BEH Health Inspector, the BEH Health Inspector shall inform the person in charge that:

7.5.1.1 the holder of a Sanitary Permit is required to allow access to BEH Health Inspectors as specified under §2128 of the "Commonwealth Environmental Health and Sanitation Act of 2000"; and

7.5.1.2 Access to the establishment or premises is a condition of maintaining a Sanitary Permit to operate an establishment specified in §2122 of the "Commonwealth Environmental Health and Sanitation Act of 2000". If, after the BEH Health Inspector presents this information, the person in charge is still unwilling to grant access to the establishment or premises, the BEH Health Inspector shall schedule a hearing within ten (10) working days to suspend the Sanitary Permit on the basis of being unable to conduct an inspection. The BEH Health Inspector shall note in the inspection report the details surrounding the person in charge's refusal to grant access to the establishment or premises.

7.6 Inspection Reports; Demerit Values; Demerit Scores

- 7.6.1 Whenever the BEH Health Inspector makes an inspection and discovers that any provision of these rules or regulations has been violated, he shall record his findings on an inspection report form, which shall be provided to the permit holder or person in charge. Each violation has been assigned a demerit score (see Appendix H).
- 7.6.2 Upon completion of an inspection, the BEH Health Inspector shall total the demerit point values for all requirements in violation, such total becoming the grade for the establishment. Grades shall be based on the following demerit scores:
 - 7.6.2.1 Grade A - An establishment having a score of not more than ten (10) demerits;
 - 7.6.2.2 Grade B - An establishment having a score of more than ten (10), but not more than twenty (20);
 - 7.6.2.3 Grade C - An establishment having a score of more than twenty (20), but not more than thirty (30).
- 7.6.3 An establishment with a score of more than thirty (30) demerits shall be considered an imminent health hazard and shall not be granted a Sanitary Permit, or in the case of a renewal, shall be subject to immediate suspension and closure as specified in §2135(a) of the “Commonwealth Environmental Health and Sanitation Act of 2000”. Immediately following such a grading during an inspection, the BEH Health Inspector shall post a closure notice placard in an obvious location at the front door of the establishment to alert the public. Anyone other than the Secretary or a BEH Health Inspector is prohibited from removing this placard.

7.7 Content of Inspection Reports

- 7.7.1 Whenever a BEH Health Inspector makes an inspection, he shall notify the permit holder or person in charge of such violations by means of an inspection report. In such notification, the BEH Health Inspector shall:
 - 7.7.1.1 Set forth the specific violations found, together with the demerit score of the establishment;
 - 7.7.1.2 Establish a specific and reasonable period of time for correction of the violations found as specified in Section 7.9 of these rules and regulations;
 - 7.7.1.3 State that failure to correct any deficiencies in accordance with the provisions of any applicable laws, rules or regulations may result in suspension of the permit;
 - 7.7.1.4 State that an opportunity for appeal from any inspection findings shall be provided if a written request for a hearing is filed with the Secretary within the period of time established for notice of corrections; and

7.7.1.5 Request that the person in charge sign an acknowledgement of receipt of the inspection report. However, failure or refusal to sign receipt of the inspection report shall not relieve the permit holder or person in charge from the obligation to correct the violations noted in the inspection report within the specified time frame.

7.8 Service of Inspection Reports

7.8.1 Inspection reports shall be deemed to have been properly served when a copy of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such inspection report has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. The permit holder or person in charge shall be required to maintain copies of the inspection report forms at the establishment for a period of seven (7) years. The Secretary shall also maintain files of the inspection report and proofs of service.

7.9 Timely Correction of Violations of Critical Control Points

7.9.1 A permit holder who has received a demerit score of more than ten (10) points shall correct a violation of a critical control point and implement corrective actions within a reasonable time period as specified in the inspection report, or as provided in Sections 7.9.2 and 7.9.3 below.

7.9.2 Considering the nature of the potential health risk involved and the complexity of the corrective action needed, the permit holder may avoid suspension of the Sanitary Permit under §2135(b) of the "Commonwealth Environmental Health and Sanitation Act of 2000", if the permit holder can make corrections or repairs within the following time frames:

7.9.2.1 Five (5) working days for deficiencies that involve general cleaning and easily resolvable critical control point violations;

7.9.2.2 Fifteen (15) working days for deficiencies or violations that require more man hours due to the scope of work, including but not limited to minor building repairs and the purchase of necessary equipment;

7.9.2.3 Thirty (30) working days for deficiencies requiring the purchase of equipment or materials necessary for remodeling that may not be found on island, but must be requested from an off-island supplier or contractor.

7.9.3 The Secretary may agree to an extension of the compliance period if:

7.9.3.1 The permit holder provides in writing sufficient evidence that the specified time frame with which to comply is not feasible due to insurmountable circumstances and agrees to an alternative date;

7.9.3.2 No imminent health hazard would result from the delay; and

7.9.3.3 The reasons are deemed justified by the Secretary. However, a second request for an extension shall be cause for suspension of the Sanitary Permit.

7.10 Re-Grading After Corrective Action

7.10.1 The applicant or person in charge of any establishment or premises that received a low grade may at any time make a written request for an inspection for the purpose of re-grading the establishment after corrective action has been completed. Upon receipt of a written request, which includes a signed statement from the person in charge that the initial inspection report's corrective actions have been carried out, a BEH Health Inspector shall schedule an inspection, for a fee, within ten (10) working days of receipt at the BEH office.

7.11 Verification and Documentation of Correction

7.11.1 At the next inspection after a BEH Health Inspector advised an establishment or person to make a correction of a violation of a critical control point or deviation, the BEH Health Inspector shall enter the specifics about the previous violation and information about the corrective action on the inspection report.

7.11.2 After receiving notification that the permit holder has corrected a violation of a critical control point, or at the end of the specified period of time for correction, the BEH Health Inspector shall verify correction of the violation through inspection, document the information on an inspection report, and enter the report in BEH records.

8.0 SUSPENSION, REVOCATION OF SANITARY PERMIT

8.1 Suspension and Revocation of Permit

8.1.1 The Secretary may suspend a Sanitary Permit without prior hearing thereby immediately closing the establishment if a violation is of a nature so as to constitute an imminent health hazard. Suspension without prior hearing may be imposed for such time until the violation is corrected, or may be imposed pending a hearing. Notice of suspension and closure shall be provided to the permit holder or person in charge prior to the suspension and closure taking effect. Hearings requested following the suspension of a permit without prior hearing shall be scheduled as soon as possible, but not later than five (5) business days from the date of closure. Hearings shall be conducted in accordance with the provisions of the Administrative Procedures Act.

8.1.2 A Sanitary Permit may be suspended by the Secretary pursuant to this Section upon a finding that the permit holder or a person in his employ or under his supervision or control has continuously violated the requirements of the "Commonwealth Environmental Health and Sanitation Act of 2000" or these rules and regulations, although such violations do not constitute an imminent health hazard; or if the establishment has failed to pay fees assessed against it for violations of the Act and the regulations promulgated thereunder; or if the establishment has in any way continuously disregarded the Secretary's efforts to satisfy the requirements of the Act or these regulations. The Secretary shall provide notice of intent to suspend a Sanitary Permit by giving written notice

thereof to the holder, in which case, the permit holder shall have ten (10) calendar days within which to request a hearing. Suspension may be imposed for such time until the violation is corrected or may be imposed as a penalty for repeated violations, in which case, it shall not exceed six (6) months. Hearings shall be conducted in accordance with the provisions of the Administrative Procedures Act.

8.1.3 Revocation of a permit may occur after a permit holder has had his permit suspended on two separate occasions, but continues to violate the requirements of the "Commonwealth Environmental Health and Sanitation Act of 2000" or these rules and regulations, or if the establishment has resumed operations after being closed by the Secretary as provided for in the Act. The Secretary shall provide notice of intent to revoke a Sanitary Permit by giving written notice thereof to the permit holder, in which case the permit holder shall have ten (10) calendar days within which to request a hearing. A hearing for revocation of the Sanitary Permit shall be conducted in accordance with the provisions of the Administrative Procedures Act.

8.1.4 Following an administrative hearing, the permit holder may seek judicial review of the Secretary's decision in accordance with the provisions of the Administrative Procedures Act. Pending a final determination it shall be discretionary with the Court to stay the enforcement of the order of suspension or revocation upon the furnishing of adequate bond.

8.2 Reinstatement of Permit

8.2.1 When the holder of a permit believes he has corrected a condition upon his premises or some other violation for which his permit has been suspended, he may write a letter to BEH for reinstatement of the permit. BEH, upon receipt of such letter, shall schedule an inspection of the premises within five (5) working days. If the findings of this inspection show that the violation has been corrected, the Secretary shall reinstate the permit where suspension was imposed until such time that the violations were corrected. If suspension of the permit was imposed for reasons other than the need to take corrective action, the suspension shall remain in effect through the period specified for suspension.

8.3 Revoked Permit may not be Reinstated

8.3.1 A permit is no longer valid and may not be reinstated when it has been revoked, except upon order of the Court.

8.4 No New Permit

8.4.1 No person whose permit has been revoked shall be eligible to obtain a new permit for a period of one (1) year.

8.5 Closing

8.5.1 The Secretary shall effect the closing of any establishment or activity whose permit has been suspended or revoked. Upon the request of the Secretary, the Commissioner of the Department of Public Safety shall provide police

personnel to enforce such closing.

8.6 Notification of Commissioner of Public Safety

8.6.1 BEH shall notify the Commissioner of the Department of Public Safety of any suspension or revocation of a permit and the Commissioner of Public Safety shall assure that the suspended or revoked permit holder shall not resume operation until reinstated by the Secretary.

8.7 Notice Posted of Closure

8.7.1 Whenever any establishment requiring a permit is closed, a BEH Health Inspector shall post a notice, easily visible to the public, stating that said establishment is closed by order of the Secretary for violations of the "Commonwealth Environmental Health and Sanitation Act of 2000" and these rules and regulations. No person other than the Secretary or the BEH Health Inspector shall remove, deface, destroy or conceal such notice.

8.8 Inspection Report Public Information

8.8.1 The inspection report shall be considered a public document and BEH shall make it available for inspection and copying as provided by law.

8.9 Penalties and Fines for Violations of the Act

8.9.1 Those permit holders found violating the requirements or these rules and regulations or the "Commonwealth Environmental Health and Sanitation Act of 2000" shall, upon issuance of notice to the permit holder or person in charge by BEH, be fined and penalized in the following manner:

8.9.1.1 First Offense: The permit holder shall receive a warning letter.

8.9.1.2 Second Offense: The permit holder shall be fined of up to \$500.00.

8.9.1.3 Subsequent Offenses: The permit holder shall be subject to a fine of up to \$1,000.00 for each subsequent offense. A permit holder who has received notice of imposition of a fine shall have ten (10) calendar days from the date of service of the notice to request a hearing. Hearings shall be conducted in accordance with the provisions of the Administrative Procedures Act.

8.10 Ceasing Operations and Reporting

8.10.1 A permit holder shall immediately discontinue operations and notify a BEH Health Inspector if an imminent health hazard arises because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, the onset of an apparent foodborne, waterborne, or vectorborne illness or outbreak, gross unsanitary occurrence or condition, or other circumstance that may endanger public health.

8.10.2 A permit holder need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.

8.11 Resumption of Operations

8.11.1 If operations are discontinued as specified under Section 8.10 above or otherwise according to law, the permit holder shall obtain approval from a BEH Health Inspector before resuming operations.

8.12 Severability

8.12.1 If any provision of these rules or regulations 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 the these rules and regulations or the application of its provisions to persons or circumstances or than those to which is held invalid shall not be affected thereby.

8.13 Repeal Clause

8.13.1 The Rules and Regulations Governing the Operation, Management and Maintenance of Cemeteries, promulgated by the Department and published in the Commonwealth Register Vol. 6 No. 6, June 15, 1984, are hereby repealed in their entirety.

9.0 REFERENCES

- 9.1 "Blood borne Pathogens", Occupational Safety and Health Administration (OSHA), 29 CFR Part 1910--1000 to end, section 1910.1030, pp. 316--326, July 1, 1994.
- 9.2 California Business and Professions Code, Sections 9750-9770, 9780-9789, 9650-9663.
- 9.3 Citation, "Construction, Maintenance and Use of Mausoleums", Article 9, Kansas Dept. of Health and Environment.
- 9.4 6 CMC §3108, Article 1. General Offenses, "Excavation for or Removal of Human Remains".
- 9.5 "Funeral Industry Practices," Federal Trade Commission, 16 CFR, Chapter 1, Part 453.
- 9.6 "Funeral Directors and Embalmers", 38 Am Jur 2nd.
- 9.7 "Mortuaries, Cemeteries, Embalmers, Undertakers, and Mortuary Authorities", Title 11, Administrative Rules, Hawaii Department of Health, Chapter 22, Hawaii.
- 9.8 P.L. 3-33 §9.16.030 "Excavating, digging, or looking for remains". 1982.
- 9.9 CNMI P.L. 3-64, Law creating the "Commonwealth Recorder's Office", 1 CMC 3701-3712.
- 9.10 CNMI P. L. 11-117, "Public Cemetery Act of 1999".
- 9.11 CNMI P. L. 12-057, "Commonwealth Environmental Health and Sanitation Act of 2000".
- 9.12 "Regulations Governing Interments and Dead Bodies", Commonwealth Register Vol. 17 No.1, January 15, 1995.
- 9.13 "Rules and Regulations Governing the Operation, Management and Maintenance of Cemeteries", Commonwealth Register Vol. 6 No. 6, June 15, 1984.
- 9.14 "Rules and Regulations Pertaining to Embalmers, Funeral Directors and Funeral Service Establishments" (R5-33.2-Emb), Rhode Island Department of Health, September 1997.
- 9.15 "Rules and Regulations for the Orderly Management of the Cemetery", Proposed, San Isidro Church Parish Council, Rota.

10.0 Schedule A

10.1 Return to Work Dates for Parasitic Infestations

10.1.1 Head Lice: Return to work twenty four hours (24 hr.) after treatment.

10.1.1.1 Appropriate treatment 1% permethrin. (™Nix, Rid), may be obtained over the counter. Reapplication in seven to ten (7-10) days may be necessary.

10.1.1.2 Recommend concurrent disinfection of clothing and bedding by washing in hot water and drying in the hot cycle of a dryer for 20 minutes.

10.1.2 Body Lice: Return to work twenty four hours (24 hr.) after treatment.

10.1.2.1 Appropriate and effective treatment may require a doctor visit since 5% permethrin is not sold over the counter.

10.1.2.2 Recommend concurrent disinfection of clothing and bedding by washing in hot water and drying in the hot cycle of a dryer for 20 minutes.

10.1.2.3 Clothing and bedding need to be dusted with pediculocides such as 1% malathion, 0.5% permethrin powder, or 2% temefos.

10.1.3 Scabies: Return to work twenty four hours (24 hr.) after treatment started.

10.1.3.1 Recommend concurrent disinfection of clothing and bedding by washing in hot water and drying in the hot cycle of a dryer for 20 minutes.

10.2 Return to Work Dates for Viral illnesses

10.2.1 Measles: Excluded from work four (4) days before to four (4) days after the onset of rash. Illness may not be recognized before the onset of rash.

10.2.2 Mumps: Exclusion from work nine (9) days after the onset of swelling (parotitis) if susceptible (those not immunized). Susceptible contacts should be immunized.

10.2.3 Rubella: Exclusion from work for seven (7) days after onset of rash. Pregnant contacts, especially those in first (1st) trimester, should be identified, serologically tested, and advised accordingly.

10.2.4 Chickenpox: Exclude from work until all vesicles become dry.

10.2.4.1 Period of transmissibility is one to five (1-5 days) prior to the onset of the rash and continues until all lesions are crusted (usually 5 days).

10.2.4.2 Susceptible (not previously infected nor immunized) should be considered infectious ten to twenty one (10-21) days following exposure.

10.2.4.3 Susceptible contacts should be immunized. Vericella vaccine is effective in preventing illness and or modifying it if used within three (3) days, and possibly up to five (5) days, after exposure. Consider VZIG for those ineligible for the vericella vaccine.

10.3 Return to Work Dates for Bacterial Infections

10.3.1 *Vibrio cholera*: There is not a direct person to person transmission of Cholera. Transmission is by way of a fecal oral route between people. Therefore, if transmission were to occur, potential communicability would be limited to shedding of the bacteria over several days after becoming infected.

10.3.2 Tuberculosis: A person with active or suspected TB should be referred to DPH's Center for Tuberculosis and Lung Disease for treatment, as should any individual who has had close contact with another person with active TB. The date that a diagnosed patient may return to work is dependent upon the Center for Tuberculosis and Lung Disease's evaluation.

11.0 Appendix A

11.1 Burial Permit



Commonwealth of the Northern Mariana Islands
Department of Public Health
Division of Public Health
Bureau of Environmental Health

BURIAL PERMIT

| | | | |
|---|--|--|--|
| 1. Applicant's name (First, Middle, Last) | | 2. Date (Mo/Day/Yr) | |
| 3. Deceased's Legal Name (First, Middle, Last) | | 4. Date of Death (Mo/Day/y\Yr) | |
| 5. Funeral Service Establishment Business License no.: | | | |
| Office Use Only | | | |
| 7. Deceased was afflicted with communicable disease that posed an imminent health hazard (Y/N)? | 8. Prepared for final disposition (embalming / cremation / NA) | 9. Burial at Sea (Y/N) | |
| 10. Place of Final Disposition Burial Plot No. (if applicable) : | | 11. Burial date (Mo/Day/Yr) | |
| Original copy to Funeral Director of Record | | | |
| 14. Comments: | | 15. Office Use Only: Copy Received (Mo/Day/Yr.) Office of Statistics : BEH : | |

P.O. Box 500409 CK, Saipan, MP 96950-0409
 Telephone: (670) 664-4870 FAX: (670) 664-4871

12.0 Appendix B

12.1 On Island Burial Transit Certificate

SAMPLE ANGEL'S FUNERAL HOME

ON ISLAND BURIAL TRANSIT CERTIFICATE

| | | |
|---|---|--|
| 1. Deceased's Legal Name (First, Middle, Last) | | 2. Pronounced dead (Mo/Day/Yr) |
| 3. Place of Death (Facility/Residence, and Village) | 4. Communicable illness suspected? () Yes () No () Not sure | |
| 5. Person releasing (First, Middle, Last) (if applicable) Signature | 6. Date Released: 7. Time (24:00): | 8. Reason: () To pronounce dead () Prepare () Embalm () Cremate () Inter () Other |
| 9. Person receiving (First, Middle, Last) / Title Signature | 10. Funeral establishment; Business License (If applicable): | |
| 11. Person releasing (First, Middle, Last) (if applicable) Signature | 12. Date Released: 13. Time (24:00): | 14. Reason: () Prepare () Embalm () Cremate () Inter () Other |
| 15. Person receiving (First, Middle, Last) / Title Signature | 16. Funeral establishment: Business License (If applicable): | |
| 17. Prepared for final disposition by: () embalmed () cremated () N/A | 18. Place of final disposition | 19. Office Use Only: Copy Received (Mo/Day/Yr.) Office of Statistics : BEH : |
| 20. Comments: | | |
| Original copy for Funeral Director of Record receiving deceased for final disposition | | |

13.0 Appendix C

13.1 Off Island Burial Transit Certificate



Commonwealth of the Northern Mariana Islands
Department of Public Health
Office of the Secretary of Public Health

OFF ISLAND BURIAL TRANSIT CERTIFICATE

| | | | |
|---|------------------------------------|---|--|
| 1. Applicant's name (First, Middle, Last) | | 2. Date (Mo/Day/Yr) | |
| 3. Deceased's Legal Name (First, Middle, Last) | | 4. Date of Death (Mo/Day/Yr) | |
| 5. Prepared for final disposition (embalmed / cremated / waived) | | Time (24:00) | |
| 6. Funeral director (First, Middle, Last) Signature | | 7. Date Prepared (Mo/Day/Yr) | |
| 8. Funeral Establishment | | 9. License No. | |
| 10. Country of Final Disposition | 11. Carrier (Flight or Vessel No.) | 12. Departure Date Mo/Day/Yr Time (24:00) | |
| 13. There is no public health hazard in the removal of these remains. _____ Secretary of Health | | 14. Date (Mo/Day/Yr) | |
| 15. Carrier Authorization (First, Middle, Last), Title Signature | | 16. Date (Mo/Day/Yr) | |
| 17. Comments: | | 18. Copy Received (Mo/Day/Yr.) Office of Statistics : BEH : | |
| Original copy to accompany deceased to place of final disposition | | | |

P.O. Box 409 CK, Saipan, MP 96950-0409
 Telephone: (670) 234-8950 FAX: (670) 234-8930

14.0 Appendix D

14.1 Authorization to Embalm or Cremate

SAMPLE

Commonwealth of the Northern Mariana Islands Commonwealth Health Center



AUTHORIZATION TO EMBALM OR CREMATE

The undersigned hereby authorize _____
(Name of Institution or Responsible Person of Deceased)

to release the body of _____
(Name of Deceased)

to _____ or his or her agents, and authorize and direct the
(Funeral Establishment or Crematorium)

funeral director of record or his or her agents to care, embalm and otherwise prepare said body for burial, entombment, cremation, or burial at sea or other disposition and to remove any devices or prostheses as listed: () N/A or 1. _____ 2. _____

3. _____ and transmit such device to the responsible person of deceased.

I hereby represent that I am of the same and nearest degree of relationship to the deceased and/or are legally authorized or charged with the responsibility for such burial and/or other disposition.

Name

Relationship

Witness

Date

I, _____ certify as the funeral director of record that the
(Funeral Director of Record)

deceased was prepared on _____. The deceased died from or while afflicted by a com-
(Mo/Day/Yr)
municable disease and was preserved through () embalming () cremation or () N/A .

by _____, license no. _____,
(embalmer or funeral director) (If embalmed)

in accordance with the Commonwealth Rules and Regulations Governing Funeral Establishments, Services, Crematoriums and Cemeteries.

Original copy for Funeral Director of record and copies sent to CNMI Office of Statistics and BEH

15.0 Appendix E

15.1 Cremation Certificate

16.0 Appendix F

16.1 Exhumation Permit



Commonwealth of the Northern Mariana Islands
Department of Public Health
Office of the Secretary of Public Health

EXHUMATION PERMIT

| | | |
|--|--|---|
| 1. Applicant's name (First, Middle, Last) | | 2. Date (Mo/Day/Yr) |
| 3. Deceased's Legal Name (First, Middle, Last) | | 4. Date of Death (Mo/Day/Yr) |
| 5. Relationship to decedent | 6. Reason for exhumation | 7. Original burial site location |
| 8. Deceased was afflicted with communicable disease (Y/N)? | 9. Prepared for final disposition (embalmed / cremated / NA) | 10. Investigative work location |
| 11. Original disposition performed by (Name) Signature | 12. Exhumed and relocated by (Name) Signature | |
| 13. Place of Final Disposition Burial Plot No. (if applicable) : | | 14. New disposition date (Mo/Day/Yr) |
| 15. Approved by Secretary of Health (First, Middle, Last) Signature | | 16. Date (Mo/Day/Yr) |
| 17. Comments | | 18. Copy Received (Mo/Day/Yr.) Office of Statistics : BEH : |
| Original copy for funeral director or record arranging final disposition. | | |

P.O. Box 409 CK, Saipan, MP 96950-0409
 Telephone: (670) 234-8950 FAX: (670) 234-8930

17.0 Appendix G

17.1 Funeral Establishment, Crematorium and Cemetery Inspection Report Form



**Commonwealth of the Northern Mariana Islands
Department of Public Health
Bureau of Environmental Health**

FUNERAL SERVICE ESTABLISHMENTS AND CEMETERY INSPECTION REPORT

() Preoperational Company _____ dba _____
 () New Permit Mailing Address _____ Location _____
 () Renewal Funeral Director/embalmer _____ Date _____
 () Bi-annual Phone _____ Fax _____ email _____
 () Other _____

An inspection of your establishment has been made on this date and you are herewith notified of deficiencies found of critical control points and corrective measures to be taken to rectify the critical violations. Listed are violations of 1 CMC, Chapter 12 §§ 2603, 2605, and 3 CMC, Div. 2 § 2121-§ 2126 and the Rules and Regulations Governing Funeral Establishments, Services, Crematoria, and Cemeteries. Failure to correct the violations may result in monetary penalties, temporary suspension or revocation of your Sanitary Permit.

Inspector must indicate each violation found and the corrective measures to be taken by the establishment and the time allowed for the violations to be corrected. Establishment permit holders or applicants may request for an extension by providing sufficient evidence in writing that the time frame is insufficient, that no imminent health hazard would result from the delay, and an alternative date is agreed upon. An imminent health hazard is sufficient reason for immediate permit suspension and/or closure.

| ITEM | YES | NO | SCORE | ITEM | YES | NO | SCORE |
|---|-----|----|-------|--|-----|----|-------|
| General: valid license, Cert of Occup, and Permit (if renewal)? | | | 1 | Preparation Room: Floor graded, nonabsorbent, easy to clean, no gaps, graded to floor drain? | | | 4 |
| Separate from other businesses? | | | 2 | Access doors self closing? | | | 3 |
| Director of record is registered? | | | 1 | Ventilated, negative air flow and to no other room? | | | 3 |
| Records: kept 5 yr.; maps, permits, and all cert. complete & copies submitted? | | | 2 | Room equipped with appropriate equipment, sinks, and instruments? | | | 3 |
| Infection Control: Comply with OSHA Bloodborne Pathogen Stds? | | | 5 | Instruments sterilized between use employing appropriate techniques? | | | 5 |
| Written exposure control plan with procedures, corrective and emergency action? | | | 5 | No food or drink, used solely for prep? | | | 3 |
| Staff receive training? | | | 3 | Controlled access to room and waste? | | | 3 |
| Engineering & work practice controls? | | | 3 | First aid kit, eye wash, & wash facilities? | | | 4 |
| Use universal precautions? | | | 5 | Crematorium: Certificates, waivers, records complete and copies submitted? | | | 1 |
| Use PPE, gloves, & clothing only once? Dirty linen kept separate? | | | 3 | Floor graded, nonabsorbent, easy to clean, no gaps, graded to floor drain? | | | 4 |
| Surfaces clean, equipment sufficient for use and kept sterile? | | | 3 | Ventilated, negative air flow and to no other room? | | | 3 |
| Proper waste containers of sufficient number with symbols or coding? | | | 3 | Chamber, casket, and equipment comply with "Funeral Industry Practices," CFR ? | | | 3 |
| Follow CFR guidelines for all waste? | | | 5 | No food or drink, used solely for prep? | | | 3 |
| Waste records complete & accurate? | | | 5 | Controlled access to room and waste? | | | 3 |
| Use DEQ registered waste hauler? | | | 4 | Prostheses removed prior to cremation? | | | 2 |
| Staff vaccinated for Hepatitis B? | | | 4 | 1 body per chamber with metal ID disk and chamber cleaned after each use? | | | 2 |
| Employees required to report illness? | | | 3 | Exhumations: Permits and Certificates complete and copies submitted? | | | 1 |
| Preservation & Storage: Embalming methods comply with CFR? | | | 5 | PPE used during exhumation? | | | 3 |
| Performed only by licensed embalmer or supervised intern? | | | 5 | Cemetery: Clean, maintenance schedule followed, free of trash, vermin, vegetation maintained? | | | 2 |
| Adhere to holding, cremation and burial time limits? | | | 3 | Documentation complete and kept 5 yr.? | | | 1 |
| Suitable refrigeration units? | | | 3 | Structures permitted by DPW? | | | 1 |
| Establishment: Clean, maintenance schedule followed, free of trash, vermin, vegetation maintained? | | | 2 | Plots: 6' deep, 3' between, 6' rows adult 8'X4', child (6'x4'), infant (3'x3')? | | | 1 |
| Well lighted and ventilated? | | | 2 | Burial plots numbered, mapped, and copies submitted annually? | | | 1 |
| Hot & cold potable water available? | | | 4 | Plants or ornaments place in container as oppose to planted directly in soil? | | | 1 |
| Toilet facilities readily accessible, clean, well stocked, rooms for both public and employees? | | | 3 | All fees and penalties paid? | | | 2 |



Commonwealth of the Northern Mariana Islands
Department of Public Health
Office of the Secretary of Public Health

CREMATION CERTIFICATE

I, _____, the Secretary of the Department of Public Health,
 (Name of Secretary of Public Health)

hereby authorize _____ to cremate the body
 (Name of Crematorium)

of _____ under the supervision of
 the _____
 (Name of Deceased)

funeral director of record, _____, and direct the
 (Name of funeral director of record)

funeral director of record or his or her agents to care, embalm and otherwise prepare said body for cremation to remove any devices or prostheses as listed: () N/A or 1. _____ 2. _____
 3. _____ and transmit such device to the responsible person of deceased.

Furthermore, (Select one: () Item 1. or () Item 2. and complete appropriate section)

1. I, _____, as Secretary of Public Health hereby
 (First, Middle, Last Name)

certify that the deceased did not die in such a manner as to require further examination or judicial inquiry concerning the same. Therefore the human remains of said deceased shall be cremated within twenty four (24) hours of death in acceptance of _____, a member
 (Name Of Responsible Person Of Deceased)

of the immediate family and/or responsible person's, request to cremate in an expedient manner in keeping with the decedent's wishes and/or religious beliefs, or;

2. I, _____, as Secretary of Public Health hereby
 (First, Middle, Last Name)

certify that the deceased died from, or while afflicted by, a communicable disease that poses an imminent health hazard to the community. Therefore, in the interest of protecting public health, I direct that the body of said deceased be cremated within twenty four (24) hours of death. No further examination or judicial inquiry concerning the death is required.

I, _____, certify as the funeral director of record that the
(Funeral Director of Record)

deceased was cremated on _____ by _____,
(Name of Funeral Director)

license no. _____, in accordance with the Commonwealth Rules and Regulations Governing
Funeral Establishments, Services, Crematoriums and Cemeteries.

Original for crematorium files and copies submitted to CNMI Office of Statistics and BEH upon completion of services



BOARD OF PROFESSIONAL LICENSING
Commonwealth of the Northern Mariana Islands

P.O. Box 502078
Saipan, MP 96950
Tel. No.: (670) 234-5897
Fax No.: (670) 234-6040

**NOTICE OF PROPOSED AMENDMENTS TO THE
REGULATIONS FOR ENGINEERS, ARCHITECTS,
LAND SURVEYORS AND LANDSCAPE ARCHITECTS**

The Board of Professional Licensing hereby notifies the General Public that it proposes to amend its Regulations for Engineers, Architects, Land Surveyors and Landscape Architects. Interested persons may obtain copies of the proposed amendments from the Board of Professional Licensing office, 2nd Floor of ICC Building, Gualo Rai.

Anyone interested in commenting on the proposed amendments may do so within 30 days from the date of this notice is published in the Commonwealth Register.

Dated this 28th day of August, 2001.

Francisco Q. Guerrero
Chairman

FILED BY:

Soledad B. Sasamoto
Registrar of Corporations

8/21/01

Date

RECEIVED BY:

Jose I. Delson Guerrero
Governor's Office

09/18/01

Date

Pursuant to 1 CMC §2153 as amended by P.L. 10-50 the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this 18th day of Sep, 2001.

Herbert Soll
Attorney General

BY: ALLAN DOLLISON
Assistant Atty. General



BOARD OF PROFESSIONAL LICENSING

Commonwealth of the Northern Mariana Islands

P.O. Box : *502018*

Saipan, MP 96950

Tel. No.: (670) 234-5897

Fax No.: (670) 234-6040

**NUTISIA PUT I MA PROPOPONI I AMENDASION
GI REGULASION PARA ENGINEERS, ARCHITECTS,
LAND SURVEYORS YAN LANDSCAPE ARCHITECTS**

I Board of Professional Licensing ginen este ha nutitisia i publiku enerat na ha propopone para u amenda i Regulasion para Engineers, Architects, Land Surveyors yan Landscape Architects. I man enteresao na indibiyuat siña manmañule kopian i Amendasion Regulasion gi Ofisinan Board of Professional Licensing gi mina dos bibenda gi ICC Building, Gualo Rai.

Hayi enteresao na indibiyuat siña muna'halom komento put i ma proponin Amendasion Regulasion gi halom trenta (30) dias despues di i fecha ni ma publika este na nutisia gi halom i Rehistran Commonwealth.

Ma fecha este gi dia 25th gi Augusto na mes, 2001.

Francisco Q. Guerrero

Francisco Q. Guerrero
Chairman

Ma satmiti as:

Soledad B. Sasamoto
Rehistradoran Kotporasion

Fecha

Nirisibi as:

Jose I. Guerrero
Ofisinan Gobietnu

Fecha

Sigun gi 1 CMC §2153 ni inamenda ni Lai Puplicu 10-50 i areklamento yan regulasion ni chechetton esta mammainan maolek yan ma apreba sigun i fotma kumo ligat yan suficiente ni Ofisialis Attorney General guine gi CNMI.

Ma fecha gi dia _____ gi Augustona mes, 2001.

Herbert Soll
Attorney General

Ginen:

Asst. Atty. General
Allan Dollison

ARONGORONGOL TOW LAP REEL POMWOL LIIWEL MELLÓL ALLÉGH
REER ENGINEERS, ARCHITECTS, SCHÓÓL AKKAPÉÉL FALÚW, BWAL
LANDSCAPE ARCHITECTS

Schóól Board of Professional Licensing eghal arongaar towlap bwe e fféer pomwol liiwel reel Alleghúl Engineers, Architects, Schóól Akkapéél Falúw bwal Landscape Architects. Aramas ye e tipeli ebwe bweibwogh kopiya yaal pomwol liiwel kkaal nge ebwe bweibwogh mereel Bwulasiyol Board of Professional Licensing, 2nd Floor mellól ICC Building iye e lo Amairaw.

Iyo e tipeli ebwe isisilong yaal aiyegh me ngáre mángemáng bwelle, reel pomol liiwel kkaal nge ebwe féerú schagh nge essóbw luuwuló eliigh (30) raal sáangi raal la e toolong arong yeel llól Commonwealth Register.

Ráál ye 28th llól maram ye August, 2001.



Francisco Q. Guerrero, Chairman

Isaliyal:

Soledad B. Sasamoto
Registrar of Corporation

Ráál

Bwughiyal:

Jose I. Deleon Guerrero
Special Assistant for Administration

Ráál

Sáangi aileewal 1 CMC §2153 iye a liiwel mellól Alléghúl Towlap P. L. 10-50 reel allégh kkaal ngáli Engineers, Architects, Schóól Akkapéél Falúw bwal Landscape Architects ikka e appasch ighall nge atakkal amweri me alúghúlúgh lo mereel Bwulasiyol CNMI Attorney General.

Ráál ye _____ llól maram ye _____, 2000.

Herbert D. Soll

Mereel: ALLAN DOLLISON
Assistant Attorney General



BOARD OF PROFESSIONAL LICENSING
Commonwealth of the Northern Mariana Islands

P.O. Box 502078
Saipan, MP 96950
Tel. No.: (670) 234-5897
Fax No.: (670) 234-6040

Statutory Authority

The Board of Professional Licensing promulgated these proposed amendments pursuant to the powers granted it by Section 3105 of 4 CMC, Div. 3 (P.L. 1-8 and 4-53).

Statement of Goals and Objectives

The intent of the amendments is to strengthen and clarify Section 7 - Certificate of Authorization (COA) of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects and delete Section 5.7B (c), in order for the Board to be more efficient and effective in protection the health, welfare, and safety of the people of the Commonwealth.

Brief Summary of the Proposed Amendments

The proposed amendments is to amend the definition of "Certificate of Authorization", amend Section 7 of the regulations which requires all partnerships and corporations doing business in the CNMI who are engaging or offering to engage in the practice of engineering, architecture, land surveying, or landscape architecture to have a valid COA, the requirements for the application of a COA, and the deletion of Section 5.7B(c) which is the California Seismic Examination.

Related of Affected Regulations:

The proposed amendments would effect Section 2.13, 5.7B(c), and 7.1 and 7.2 of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects.

For further information Contact:

Florence C. Sablan, Executive Director at 234-5897/235-5898 or fax to 234-6040.

2.13 Certificate of Authorization - The term "certificate of authorization" means a written certificate issued by the Board to a partnership or corporation which identifies the firm as legally entitled to engage or offer to engage in the practice of engineering, architecture, land surveying or landscape architecture in the CNMI.

5.7 B. (c) Delete in its entirety.

VII. CERTIFICATE OF AUTHORIZATION

7.1 General Provisions

A. Any corporation or partnership "firm", whether organized under the laws of the CNMI or any other jurisdiction, hereafter offering to engage or engaging in the practice of engineering, architecture, land surveying or landscape architecture in the Commonwealth must have a valid Certificate of Authorization (COA) issued by the Board.

B. All engineers, architects, land surveyors, or landscape architects may practice engineering, architecture, land surveying, or landscape architecture on behalf of the firm provided that:

- 1. Each person also possess a valid license issued by the Board in the appropriate discipline and/or engineering branch; and**
- 2. That such person is designated as being directly in charge and responsible for the work performed by the firm; and**
- 3. That such person is a partner, officer or a full-time employee of the firm; and**
- 4. That such person has been delegated the legal authority to bind the firm in all matters relating to the work performed.**

C. No firm shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, partners or managers by reason of its compliance with the provisions of this Section. No individual practicing engineering, architecture, land surveying or landscape architecture under the provisions of this regulations shall be relieved of responsibility by reason of their employment or other relationship with a firm holding a valid Certificate of Authorization.

D. A professional engineer, architect, land surveyor, or landscape architect who renders occasional, part-time, or consulting engineering, architectural, land surveying or landscape architectural services to, or for, a firm may not, for the purposes of this Section, be designated as being responsible for the professional activities of the firm.

E. A licensed engineer, architect, land surveyor, or landscape architect must not perform work for a firm engaging or offering to engage in engineering, architecture, land surveying or landscape architecture

unless that firm has been issued a valid CNMI Certificate of Authorization by the Board.

F. All firms must have a valid Certificate of Authorization before advertising to offer professional engineering, architectural, land surveying, or landscape architectural services in the CNMI (see the definition of "advertise" in Section 2.2 of this Regulations).

7.2 Application for a Certificate of Authorization

A. Applications for a Certificate of Authorization of partnerships or corporations to engage or offer to engage in the practice of engineering, architecture, land surveying, or landscape architecture shall be on the form prescribed by the Board and shall be prepared, completed and signed under oath or penalty of perjury before a notary public by an authorized partner or officer of the firm and shall contain the following information and comply with the following requirements:

1. The name, license number, discipline and/or branch and signature of the engineer, architect, land surveyor, or landscape architect licensed in the CNMI who is designated as being directly in charge and responsible for the work in the appropriate discipline and/or branch.

2. That should there be any change in the status of any person on file, whether as to a valid license, direct charge and responsible of work, full-time employment, partnership or officer of the firm, or legal authority to bind the firm, the firm shall notify the Board in writing within fifteen (15) days of such change, and, if necessary, also within the same fifteen days period, file the name of a replacement.

B. The application shall also include a copy of the following documents:

1. A Certificate of Registration for a corporation not incorporated in the CNMI (also known as a foreign corporation); or

2. A Certificate of Incorporation for a corporation formed in the CNMI; or

3. A file stamped Partnership Registration statement; and

4. A business license for the appropriate professional business activity issued by the Business License Office of the Division of Revenue and Taxation, CNMI Department of Finance.



**Commonwealth of the Northern
Mariana Islands**



Department of Public Health

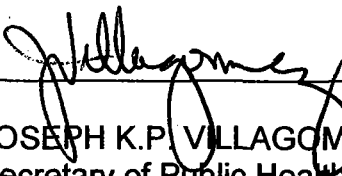
Office of the Secretary

PUBLIC NOTICE

**PROPOSED AMENDMENTS TO THE RULES AND
REGULATIONS GOVERNING THE ADMINISTRATION OF THE
MEDICAL REFERRAL PROGRAM**

The Secretary of the Department of Public Health of the Commonwealth of the Northern Mariana Islands, in accordance with the authority vested in him pursuant to 1 CMC section 2605, hereby propose these Amendments to the Rules and Regulations Governing the Administration of the Medical Referral Program in order to accommodate the physical and psycho-social needs of medical referral patients while undergoing significant medical care/treatment off-islands by providing official family escorts to those patients that meet the criteria listed in Section 5.4.b of the Rules and Regulations.

It is the intention of the Department of Public Health to comply with the requirements of the Administrative Procedures Act, specifically 1 CHC section 9104, in proposing these amendments to the Rules and Regulations. Copies of the proposed Rules and Regulation may be obtained from the Office of the Secretary of Public Health located on the ground floor of the Commonwealth Health Center. Comments on the proposed Rules and Regulations may be sent to the Office of the Secretary of Public Health, Department of Public Health, P.O. Box 500409 CK, Saipan, MP 96950. All comments must be received within thirty (30) days from the date this notice is published in the Commonwealth Register.



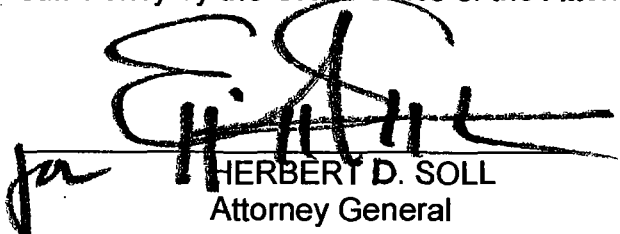
JOSEPH K.P. VILLAGOMEZ
Secretary of Public Health
Department of Public Health

Date 8/22/2001

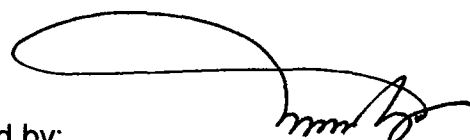
P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (1- 670) 234-8950 FAX: (1- 670) 234-8930
E-mail: booya@saipan.com

Certification by Office of the Attorney General

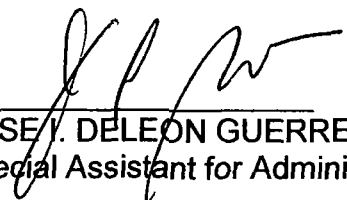
Pursuant to 1 CMC section 2153 as amended by PL 10-50, the proposed rules and regulation attached hereto have been reviewed and approved as to forma and legal sufficiency by the CNMI Office of the Attorney General.


HERBERT D. SOLL
Attorney General

Date 8/23/01

Filed by: 
SOLEDAD B. SASAMOTO
Registrar of Corporation

Date 8/21/01

Received By: 
JOSE Y. DELEON GUERRERO
Special Assistant for Administration

Date 09/18/01

NUTISIAN PUBLIKU

**I MAPROPOPONE SIHA NA AMENDASION GI AREKLAMENTO
YAN REGULASION I PARA U GOBIETNA I ADMINISTRASION
PROGRAMAN MEDICAL REFERRAL**

I Sekretariun Dipattamenton Hinemlo' Puplicun Commonwealth I Sumangkattan Siha Na Islas Marianas, sigun i aturidat ni ma entraga ginen 1 CMC Seksiona 2605, ginen este ha propopone este siha na Amendasion gi Areklamento yan Regulasion Para u Gobietna I Administrasion Programan Medical Referral kosa-ki siña ha pribeni i nisisidat fiskat yan hinasso'-sosiati para i manmalango' siha ni manma referral mientras manma trata papa inatienden medikun off-island para u mana'guaha ofisiat na akompañeru ginen familia para ayu siha na manmalangu' komu kualifikao sigun i kondision siha ni manmalista gi Seksiona 5.4.b gi Areklamento yan Regulasion siha.

Gi intension i Dipattamenton Hinemlo' Puplicu para u akonfotma yan dinimandan Administrative Procedures Act, espisiatmente 1 CHC seksiona 9104, sigun priniponen este siha na amendasion gi Areklamento yan Regulasion. Guaha kopian i priniponen Areklamento yan Regulasion ni siña manmachule' gi Ofisinan Sekretariun Hinemlo' Puplicu, primet bibenda guato gi Commonwealth Health Center. Komento siha put i priniponen Areklamento yan Regulasion siña ha manmacho'gue gi tinige' ya u masatmiti guato para i Ofisinan Secretary of Public Health, Department of Public Health, P.O. Box 500409 CK, Saipan, MP 96950. Todo komento debi di u fanma risibi gi halom trenta (30) dias despues di malaknos este na nutisia gi Rehistran Commonwealth.

Fecha: _____

JOSEPH K.P. VILLAGOMEZ
Sekretariun Hinemlo' Puplicu
Dipattamenton Hinemlo' Puplicu

Setifikasion ginen Ofisinan Abugadon Henerat

Sigun 1 CMC seksiona 2153 ni inamenda ni Lai Pupbliku 10-50, i mapropopone siha na areklamento yan regulasion ni chechetton guine' esta manmaribisa yan apreba komu ligat yan suficiente na fotma, ginen Ofisinan Abugadon Henerat.

HERBERT D. SOLL
Attorney General

Fecha: _____

Pine'lo
as: _____
SOLEDAD B. SASAMOTO
Rehistradoran Kotporasion

Fecha: _____

Rinisibi
as: _____
JOSE I. DELEON GUERRERO
Special Assistant for
Administration

Fecha: _____

ARONGORONGOL TOULAP

POMWOL FFÉÉRÚL LLIWEL MELLÓL AUTOL ALLÉGH
YE EBWE LEMELI LEMELEMIL PROGRÓMAAL MEDICAL REFERRAL

Secretary-il Bwulasiyool Public Health mellól Commonwealth Metawal Wóól Falúw Kka Marianas, sáangi bwáng ye e mwetto mereel 1 CMC táilil 2605, nge ekke arongaar toulap reel Pomwol Fféérúl Allégh Ye ebwe Lemeli lemelemil Progrómaal Medical Referral bwe ebwe accomodate-li physical me psycho-social needs reer aramas kka re sumwaay nge re medical referra igha rekke safeyaar off-islands bwe rebwe ayooora aramas ye ebwe tabweer ngare re relo llól criteria kka e táletiw llól Táilil 5.4.b. mellól Allégh.

Mángemángil Bwulasiyool Public Health bwe ebwe attabweey fféer kka sáangi Administrative Procedures Act, eghi bwá mellól 1 CHC táilil 9104, igha rekke pomwoli fféérúl lliwelil autol Allégh kkaal. Eyoor kopiyaal Pomwol Fféérúl Allégh kkaal ngáliir aramas kka re mwuschál bwe rebwe bweibwogh mellól Bwulasiyool Secretary of Public Health iye elo mesammwal bibenda llól Commonwealth Health Center. Mángemáng me tiip reel Pomwol Fféérúl Allégh kkaal nge rebwe ischiitiw nge ra afanga ngáli Secretary of Public Health, Bwulasiyool Public Health, P.O. Box 500409 CK, Seipél, MP 96950. Alongal mángemáng me tiip nge ebwe atotoolong llól eliigh} (30) rál sáangi igha e toowow arongorong yeel llól Commonwealth Register.

Rál: _____

JOSEPH K.P. VILLAGOMEZ
Secretary of Public Health
Bwulasiyool Public Health

Alúghúlúgh sáangi Bwulasiyool Attorney General

Sáangi bwángil 1 CMC tálil 2153 iye e lliiwel sáangi Alléghúl Toulap 10-50, pomwol fféerúl lliiwel mellól autol Allégh kka e schu me schéel tiliigh kkaal nge a takkal mwir me angúungú ngáre e fil bwe e tabweey aileewal allégh mereel Bwulasiyool Attorney General.

_____ Rál: _____
HERBERT D. SOLL
Attorney General

Isáliiyal: _____ Rál: _____
SOLEDAD B. SASAMOTO
Registrar of Corporations

Bwughiiyal: _____ Rál: _____
JOSE I. DELEON GUERRERO
Special Assistant for Administration

**Proposed Amendments to the Rules and Regulations
Governing the Administration of the Medical Referral Program**

Citation of Statutory Authority: 1 CMC section 2605 authorizes the Department of Public Health to adopt rules and regulations regarding those matters over which it has jurisdiction. 1 CMC section 2603 (f) grants the Department of Public Health the power and duty to administer all government-owned health care facilities. This includes the authority to operate the Medical Referral Program.

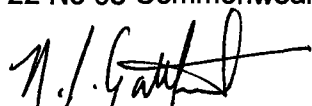
Short Statement of Goals & Objectives The purpose for proposing amendments to the rules and regulations is to provide family escorts to official medical patients while undergoing significant medical care/treatment abroad. The current provisions of the rules and regulations only allow for a family escort in cases listed in section 5.4.b where the patient is unable to travel independently because of reasons listed in subsections i through vi. This provision does not take into consideration those instances where the patient is incapacitated due to medical reasons up to and including, but not limited to those listed in subsections i through vi.

Brief Summary of the Proposed Rule: The proposed amendment to the Rules and Regulation establishes a seventh criteria for family escorts under Section 5.4.b of the Rules and Regulation.

Contact Person(s): Joseph C. Santos, Administrator of Medical Referral, Department of Public Health.

Citation of Related and/or affected Statutes, Regulations, and Orders: Rules and Regulations Governing the Administration of the Medical Referral Program, Vol. 18 No. 7 Commonwealth Register (July 1996); Vol. 20 No. 2 Commonwealth Register (February 1998) Vol 22 No 05 Commonwealth Register (May 2000).

Date: 8/22/01



Nancy Gottfried, Assistant Attorney General
Department of Public Health

b. Family Escorts. The least expensive, round trip air transportation accompanying patient; medically necessary ambulance transportation accompanying patient; and subsistence allowance for one non-medical escort, such as a family member or close friend of the patient, as provided by these Rules and Regulations. Unless specifically determined by the Medical Referral Committee to be unnecessary, the Medical Referral Committee shall approve one family or friend escort for the patient in those cases where the patient is unable to travel independently or perform activities of normal living while at the referral location because of:

- i) physical disability, frailty, or age;
- ii) psychiatric disability or mental deficiency;
- iii) blindness or deafness;
- iv) fecal or urinary incontinence requiring the patient to seek assistance to use the toilet;
- v) the patient's inability to feed himself or herself or to perform other activities of daily living; or
- vi) the strong possibility that the patient will die at the referral health care facility as a result of the severity of the illness or condition;
- vii) the patient has been admitted as an in-patient and will be undergoing major surgery which involve general anesthesia.



Commonwealth of the Northern Mariana Islands
 Department of Public Health
 Office of the Secretary of Public Health



PUBLIC NOTICE

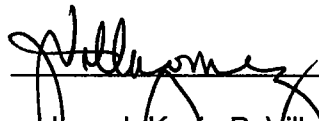
**PROPOSED AMENDMENTS TO THE
 RULES AND REGULATIONS
 GOVERNING FOOD HANDLERS**

CONTENTS: These amendments modify the Food Handler Rules and Regulations that were promulgated in October 1998 and adopted in January 1999. The phrases that are in **bold** are proposed to be added; those that are underlined and in italics are proposed to be deleted.

INTENT TO ADOPT: The Secretary of the Department of Public Health intends to adopt these amendments to existing regulations as permanent regulations pursuant to 1 CMC Section 9104(a)(1) and (2), and therefore publishes in the Commonwealth Register this notice of opportunity to submit comments. If necessary, a hearing will be provided. Comments on the content of the regulations may be sent to: The Secretary of the Department of Public Health, P.O. Box 500409 CK, Saipan, MP 96950.

AUTHORITY: The Secretary is authorized to promulgate these regulations pursuant to Section 3 of Public Law 12 - 48 (3 CMC Sections 2123(a)(1)) ("The Commonwealth Environmental Health and Sanitation Act of 2000").

Issued by:



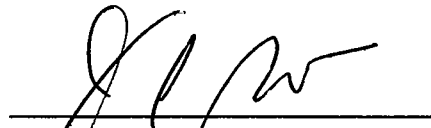
 Joseph Kevin P. Villagomez
 Secretary, Department of Public Health

8/22/01

 Date

P.O. Box 500409 CK, Saipan, MP 96950
 Telephone: (1- 670) 234-8950 FAX: (1- 670) 234-8930
 E-mail: dphsec1@vzpacifica.net

Received by:



Jose I. DeLeon Guerrero
Special Asst. for Administration

09/18/01
Date

Pursuant to 1 CMC Section 2153 as amended by P-L 10-50, the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

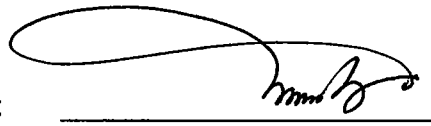
Dated this 23 day of August, 2001.

Herb Soll
Attorney General



Elliott A. Sattler
Assistant Attorney General

Filed and Recorded by:



Soledad B. Sasamoto
Registrar of Corporations

8/21/01
Date

NUTISIAN PUPBLIKU

PRINIPONEN AMENDASION SIHA GI AREKLAMENTO
YAN REGULASION PARA GINOBETNAN FOOD HANDLERS

SUHETU: Este siha na amendasion para u modifika i Areklamento yen Regulasion Food Handlers ni machogue gi Oktubre 1998 yan ma adapta Ineru 1999. I frasia ni manmapo'lo gi **bold** manma propone yan na'halom; ayu i manmaraya gi sampapa yan gi italics manmapropone para u mana'suha.

INTENSION INADAPTA: I Sekretariun Dipattamenton Hinemlo' Pupbliku ha intensiona para u adapta este siha na amendasion para i prisenti siha na regulasion komu petmanente na regulasion sigun 1 CMC Seksiona 9104(a)(1)yan (2), pues mapublika gi Rehistran Commonwealth este na nutisia para opottunibat mansatmitin komento. Yanggen nisisariu, u mana'guaha inekungok. Komento siha put suhetun i regulasion siha, siña ha' matuge' ya u manahanao guato para: Sekretariun Dipattamenton Hinemlo' Pupbliku, P.O.Box 500409 CK, Saipan, MP 96950.

ATURIDAT: I Sekretariu ma aturisa para u fatinas este siha na regulasion sigun sinangan Seksiona 3 Lai Pupbliku 12-48 (3 CMC Seksiona 2123(a)(1) ("Commonwealth Environmental Health and Sanitation Act of 2000").

Linaknos as: _____

Joseph Kevin P. Villagomez
Secretary, Department of
Public Health

Fecha

Rinisibi as: _____

Jose I. Deleon Guererro
Special Asst. for Administration

Fecha

Sigun 1 CMC Seksiona 2153 ni inamenda ni Lai Pupbliku 10-50, i areklamento yan regulasion siha ni chechetton guine esta manma ribisa yan apreba komu ligat yan sufisiente na fotma ginen Ofisinan Abugadon Henerat giya CNMI.

Ma fecha gi mina' _____ na dia, Agosto, 2001.

Herbert D. Soll
Abugadon Henerat

Elliott A. Sattler
Assistant Atty. General

Pinelo' yan
rinekot as: _____

Soledad B. Sasamoto
Rehistradoran Kotporasion

Fecha

ARONGORONGOL TOULAP

POMWOL FFÉÉRÚL LLIIWEL LLÓL AUTOL
ALLÉGH YE EBWE LEMELIIR FOOD HANDLERS

AUTOL: Lliiwel kkaal nge ebwe liwilil Alléghúl Food Handlers iwe e fféer Sarobwel (Oktubre) 1998 nge ra adaptli maramal Schoow (Eneero) 1999. Tapalal kkapas kka e **bold** nge ebwe atotoolong, ikka e underline me italics nge ebwe atotoowow.

MÁNGEMÁNGIL ADOPT: Secretaryil Bwulasiyool Public Health nge a mángiiy bwe ebwele adptli lliiwel kka llól autol allégh kka ighila sáangi bwángil aileewal me bwángil mille 1 CMC Tálil 9104(a)me(2) nge e rongowow mellól Commonwealth Register arong yeel igha ebwe mmwel bwe toulap rebwe atotoolong meta mángemángiir me tipeer reel autol lliiwel kkaal. Ngáre e auscheeya nge emmwel schagh bwe rebwe ayoorá yéelagh. Mángemáng me tiip kka re ischiitiw nge emmwel schagh bwe rebwe afanga ngáli Secretary of the Department of Public Health, P.O. Box 500409 CK, Seipél, MP 96950.

BWÁNGIL: Secretary nge eyoor bwángil bwe ebwe féerú allégh kkaal sáangi bwángil Tálil 3 mellól Alléghul Toulap 12-48 (3 CMC Tálil 2123(a)(1) Commonwealth Environmental Health and Sanitation Act of 2000).

Mereel:

Joseph Kevin P. Villagomez
Secretary, Bwulasiyool Public Health

Rál

Bwughiiyal: Jose I. Deleon Guerrero Rál
Special Asst. for Administration

Reel bwángil 1 CMC Tálil 2153 igha e lliiwel sáangi Alléghúl Toulap 10-50, allégh kka e schuulong ighaal nge a takkal mwir me angúungú sáangi Bwulasiyool CNMI Attorney General bwe e fil me attabweey allégh.

E fféer ráálil ye _____ maramal Elúwel 201.

Herbert D. Soll
Attorney General

Elliott A. Sattler
AssistantAttorney General

E file me
Rekood reel: Soledad B. Sasamoto Rál
Registrar of Corporations



Commonwealth of the Northern Mariana Islands
Department of Public Health
Office of the Secretary of Public Health



**PROPOSED AMENDMENTS TO THE
RULES AND REGULATIONS
GOVERNING FOOD HANDLERS**

Citation of

Statutory Authority:

The Secretary is authorized to promulgate these regulations pursuant to Section 3 of Public Law 12 - 48 (3 CMC Sections 2123(a)(1)) ("The Commonwealth Environmental Health and Sanitation Act of 2000").

Short Statement of

Goals and Objectives:

These amendments modify the Food Handler Rules and Regulations that were promulgated in October 1998 and adopted in January 1999. The phrases that are in **bold** are proposed to be added; those that are *underlined and in italics* are proposed to be deleted.

*Brief Summary
of the Rules:*

The rules provide for:

- (1) Medical examination of food handlers;
- (2) Screening for communicable disease;
- (3) Food handlers education;
- (4) Issuance of food handler certificates;
- (5) Division record-keeping and tracking measures;
- (6) Food handlers with positive test results; and
- (7) Penalties for violations of the rules and regulations.

For Further

Information, Contact:

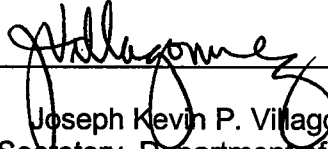
John Tagabuel, Acting Director
Bureau of Environmental Health
Telephone: 670 - 664 - 4870
Facsimile: 670 - 664 - 4871

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (1- 670) 234-8950 FAX: (1- 670) 234-8930
E-mail: dphsec1@vzpacifica.net

Citation of Affected

Rules and Regulations: "Proposed Regulations Governing the Health, Safety, and Sanitation of the CNMI," Commonwealth Register Vol. 20, No. 10, October 15, 1998, pp. 16163 – 16182.

Submitted by:



Joseph Kevin P. Villagomez
Secretary, Department of Public Health

8/21/2001
Date



Commonwealth of the Northern Mariana Islands
Department of Public Health
Office of the Secretary

CHAPTER I

FOOD AND DRINKING ESTABLISHMENTS

<RESERVED>

CHAPTER II

FOOD RETAIL/WHOLESALE ESTABLISHMENTS

<RESERVED>

CHAPTER III

SCREENING OF FOOD HANDLERS

| | |
|--|----|
| I. DEFINITIONS..... | 1 |
| II. PHYSICAL EXAMINATION..... | 3 |
| III. SCREENING FOR COMMUNICABLE DISEASE..... | 3 |
| IV. FOOD HANDLERS EDUCATION..... | 6 |
| V. ISSUANCE OF FOOD HANDLER CERTIFICATES..... | 7 |
| VI. DIVISION RECORD KEEPING AND TRACKING MEASURES..... | 9 |
| VII. FOOD HANDLERS WITH POSITIVE TEST RESULTS..... | 10 |
| VIII. APPLICATION OF THESE RULES AND REGULATIONS TO FOOD HANDLERS CURRENTLY WORKING IN THE CNMI..... | 11 |
| IX. PENALTIES FOR VIOLATIONS OF THESE RULES AND REGULATIONS..... | 13 |

I. DEFINITIONS

As used throughout this Chapter, the following terms shall have the meaning set forth below:

1.1 Ameba means clinical or laboratory evidence of an infection caused by the known human intestine protozoan pathogen *Entamoeba histolytica*.

1.2 Campylobacter means clinical or laboratory evidence of an infection caused by any species of the genus *Campylobacter*

1.3 Food, Retail Store and Beverage Establishment means a bakery, restaurant, cafeteria, lunchroom, luncheonette, lunch counter, ice cream/soda fountain, soft drink dispenser, bar, tavern, nightclub, karaoke club, liquor/water dispenser, food stand, food store, snack mobile, caterer, kitchen, or any other establishment where food and beverages, **(canned, perishable, prepackaged – betelnut, leaves, apigigi, etc.)** are prepared, packaged, handled, cooked, processed or served to the public as part of a service of an institution or for sale.

1.4 Food Handler means any person who prepares, packages, handles, cooks, processes, or serves food or beverages, or uses cooking utensils in a Food, **Retail Store** and Beverage Establishment.

1.5 Food Handlers Certificate means an authorization issued by the Secretary to a Food-handler certifying that the Food-handler has been examined and found to be in good health, and free of specific food-borne diseases as specified in these Rules and Regulations

1.6 Food Handlers Education means a seminar conducted by **Bureau of Environmental Health. Environmental Health Services**. This training course will cover sanitation, sanitary food preparation, and the transmission of food-borne diseases.

1.7 Giardia means clinical or laboratory evidence of an infection caused by the known human pathogen *Giardia lamblia*.

1.8 Salmonella means clinical or laboratory evidence of an infection caused by any species of the genus *Salmonella*, including *S. typhi*, the cause of typhoid fever.

1.9 Shigella means clinical or laboratory evidence of an infection caused by any species of the genus *Shigella*.

1.10 Tuberculosis means clinical, PPD skin test, laboratory, or radiological evidence of an infection or active disease process caused by *Mycobacterium tuberculosis*.

1.11 Yersinia means clinical or laboratory evidence of an infection caused by any species of the genus *Yersinia*.

II. PHYSICAL EXAMINATION

2.1 Obtaining a Physical Examination. A Physician authorized by the Division will obtain a clinical history and perform a Physical Examination of all Food Handlers prior to commencing employment as a Food Handler in the CNMI and then annually. A record of the Physical Examination shall be completed by the Physician on a Physical Examination form approved by the Division. Annual Physical Examination for Food Handlers shall be performed at least forty-five (45) days prior to the expiration of the Food Handlers Certificate **and/or Alien Health Certificate.**

2.2 Filing of Forms. The Physician performing the Physical Examination shall provide the complete Physical Examination form to the Division within forty-five (45) days from the date of the Food Handler's initial Physical Examination, and forty-five (45) days from the date of each annual Physical Examination thereafter.

III. SCREENING FOR COMMUNICABLE DISEASE

All Food Handlers shall be screened for specified food-borne diseases, which not only jeopardize the health and life of the Food Handlers, but also threaten **their family**, the resident CNMI population and tourists visiting the CNMI. Screening shall be limited to those food-borne diseases which can be easily tested and monitored, including Tuberculosis, Salmonella, Shigella, Campylobacter, intestinal parasites, and any other communicable disease specified by the Secretary through health advisories as being a potential risk to the CNMI community.

3.1 Procedures for Screening. Concurrent with the performance of the Physical Examination, the Food Handler shall obtain health screening tests for the food-borne disease specified in these Rules and Regulations, and any others required by the

Secretary through health advisories. All chest radiographs required by these Rules and Regulations shall be read by a Physician, or may be sent to the Center for Tuberculosis and Lung Disease at the Commonwealth Health Center for reading.

3.2 Filing of Screening Test Results with the Division. The Food Handler's Physician shall provide the Division with a copy of all screening test results required by this Section 3 and by the Secretary's health advisories within forty-five (45) days from the date of the Food Handler's initial Physical Examination, and forty-five (45) days from the date of each annual Physical Examination thereafter.

3.3 Required Screening Test for Food-borne diseases. At a minimum, all Food Handlers shall obtain screening test for the following diseases:

a. Tuberculosis Screening. Every Food Handler shall obtain a single view PA chest radiograph prior to commencing work as a Food Handler in the CNMI, and then annually thereafter. The yearly chest radiograph shall be performed at least forty-five (45) days prior to renewal of the employment contract, or forty-five (45) days prior to the anniversary of the expiration of the Food Handler Certificate, whichever date is first.

b. Stool Culture. Every Food Handler shall obtain a stool culture from a CLIA Certified laboratory as part of the initial screening, and then annually thereafter. The yearly test shall be performed at least forty-five (45) days prior to the renewal of the employment contract, or forty-five (45) days prior to the anniversary of the expiration of the Food Handler Certificate, whichever date is first. Food Handlers who have a positive stool culture for Salmonella, Shigella, Yersinia, Campylobacter or any other bacteria considered pathogenic shall be treated and cured by the Food Handler's Physician. or referred to the Medical Director of Public Health for

appropriate treatment and cure. Failure to provide documentation of cure shall result in non-issuance of the Food Handler Certificate.

c. Stool for Ova and Parasite (O&P). Every Food Handler shall obtain a stool ova and parasite screen from a CLIA Certified laboratory prior to commencing employment as a Food Handler as part of the initial screening, and then annually thereafter. The yearly test shall be performed at least forty-five (45) days prior to the anniversary of the expiration of the Food Handler Certificate whichever is first. Food Handlers who have a positive stool O&P for Giardia, Ameba, or any other Intestinal parasite shall be treated and cured by the food Handler's Physician(s). or referred to the medical Director of Public Health for appropriate treatment and cure. Failure to provide documentation of cure shall result in non-issuance of the Food Handler Certificate.

d. Other Food-borne diseases. All Food Handlers who contract other infectious or food-borne diseases should be seen promptly by a Physician. Any Physician who diagnoses a Food Handler as having a communicable disease shall immediately report the Food Handler to the Division.

IV. FOOD HANDLER EDUCATION

4.1 Obtaining Food Handler Education. After a the Food Handler's Physician has submitted the Physical Examination and Screening test result to the Division, has submitted the Physical Examination form and/or the screening test results to the Division, the Food Handler shall attend a Food Handler Education seminar scheduled by Bureau of Environmental Health. A record of the Food Handler's attendance at the seminar shall be submitted to the Division. The Food Handler must

attend this seminar annually at least forty-five (45) days prior to expiration of the Food Handlers Certificate **and/or Alien Health Screening.**

4.2 Filing of Forms. The Food Handler shall provide a record of attendance to the Division within forty-five (45) days from the date of the initial Food Handler Education seminar prior to commencing employment as a Food Handler in the CNMI, and forty-five (45) days from the date of each annual seminar thereafter.

V. ISSUANCE OF FOOD HANDLER CERTIFICATE

5.1 Food Handler Certificate. Within forty-five (45) working days of receiving the Food Handler's Physical Examination from, all necessary documentation of screening test results, and record of attendance of the Food Handler Education seminar, the Food Handler shall request a Food Handler Certificate form the Division. If the Food Handler has been found to be physically fit, in good health, and free from communicable diseases covered by these Rules and Regulations, the Secretary shall issue the Food Handler Certificate. The Food Handler Certificate shall be valid for a period of one (1) year from the date of issue.

5.2 Duplicate Food Handler Certificate.

(a) Food Handlers who have been issued a valid Food Handler Certificate, but who work in more than one Food, **Retail Store** and Beverage Establishment owned and operated by the same employer may request a duplicate Food Handler Certificate(s). to be displayed in the separate Food and Beverage Establishments. to be kept in a file and shall be easily accessible for Inspector(s).

(b) Food Handlers who have been issued a valid Food Handlers Certificate, but who work in more than one Food and Beverage Establishment

owned and operated by the different employer may request duplicate Food Handlers Certificate(s) and kept in a file and shall be easily accessible for Inspector(s).

5.3 Suspension of Issuance of Food Handler Certificate for Food Handlers Found to Have A Communicable Disease. Food Handlers who test positive for a communicable disease covered by these Rules and Regulations shall not be issued a Food Handler Certificate unless documentation of cure has been submitted to the Division. **The Food Handler shall refrain from preparing, cooking, and serving food or beverage until such time he/she has been cured of communicable disease.**

5.4 Cost of Food Handler Certificates. The cost of a Food Handler Certificate shall be Twenty Dollars (\$20.00), payable to the CNMI Treasury upon issuance of the Food Handler Certificate. **The Food Handler or the employer of non-resident worker** shall be responsible for the cost of the Certificate.

5.5 Cost of Duplicate Food Handler Certificates. The cost of a duplicate Food handler Certificate shall be ten dollars (\$10.00) for each additional Food Handler Certificate, payable to the CNMI Treasury. **The Food Handler or the employer of non-resident worker** shall be responsible for the cost of all duplicate Certificates.

5.6 Cost of Replacement Food Handler Certificates. In the event of a lost (non-expired) Food Handler Certificate, the Food Handler may request a replacement. The cost of a replacement Food Handler Certificate shall be Twenty Dollars (\$20.00), payable to the CNMI Treasury upon issuance of the Food Handler Certificate. **The Food Handler or the employer of non-resident worker** shall be responsible for the cost of the Certificate.

5.7 Employer to Maintain Files. Upon receipt, the Food Handler shall provide the Food Handler Certificate to his or her Employer. The Employer shall keep Food Handler Certificates for all Food Handlers under his/her employment filed in a location that is easily accessible while maintaining confidentiality. The Employer shall be prepared to show these Food Handler Certificates to a Duly Authorized Representative upon request during an inspection. Food Handler Certificates will only be valid at the Food, **Retail Store** and Beverage Establishment at which the Food Handler is employed. Food Handler Certificates are not transferable. In the event that a Food Handler is employed to work at more than one Food, **Retail Store** and Beverage Establishment owned and operated by the same **or different** employer, then a duplicate Food Handler Certificate shall be kept on file at each separate Establishment.

VI DIVISION RECORD KEEPING AND TRACKING MEASURES

6.1 Database Records. The Division shall develop a Food Handler health database. The database shall be used to track all Food Handlers for compliance with the screening requirements established in these Rules and Regulations, and assist the Environmental Health Inspectors in the inspections of food establishments.

6.2 Notice of Noncompliance. If a review of the Division's database indicates that a Food Handler has not been issued a Food Handler Certificate within **twenty (20) ~~sixty (60)~~** days from the previous expiration date, Division staff shall send a written notice to the Food Handler, with a copy provided to the Employer, of noncompliance with these Rules and Regulations. The Food Handler shall have twenty (20) days from the date of the notice to come into compliance with the requirements of these Rules and Regulations. Failure to respond to the Division's notice shall subject

the Food Handler and the Employer to penalties as set forth in **Section 9** Section 10 of these Rules and Regulations. This Section 7.2 shall not apply to those Food Handlers who have not been issued Food Handler Certificates because they are undergoing treatment for a communicable disease (**Section 7.2**) and who remain fully compliant with the Division's **or their Physician's** prescribed treatment regimen for the duration of treatment. Food Handlers undergoing treatment shall be issued a letter by the Division setting forth the date treatment is anticipated to be complete and when a Food Handler Certificate can be issued.

6.3 Inspections by Duly Authorized Representatives. From time to time, a duly Authorized Representative of the Department may inspect an Employer's place of employment, as provided in 3 CMC §2123. Upon request by the Duly Authorized Representative, the Employer or Person-in-Charge shall grant the Duly Authorized Representative access to the Food Handlers' Certificate. Any Food Handler who does not have a valid Food Handler Certificate in his or her employment file shall **cease handling, preparing, cooking, or serving food and shall** be reported to the Division.

VII. FOOD HANDLERS WITH POSITIVE TEST RESULTS

7.1 Handling of Food Handlers with Positive Test Results. If a Food Handler is found to have a communicable disease covered by these Rules and Regulations, the Division shall establish a treatment regimen for the Food Handler to the extent treatment is available within the CNMI. The Division shall prepare a written advisory to the Employer instructing that such Food Handler be immediately prevented from any activity involving the preparation, handling, cooking, or serving of food and beverages until the Division has determined that the Food Handler has been cured and

issued a Food Handler Certificate. If said Food Handler is terminated from employment, the Division shall bare no responsibility for the financial costs or liability for the termination. The Division shall handle positive test results as follow:

a. Pathogenic Bacteria. Food Handlers found to have pathogenic bacteria, including Salmonella, Shigella, Yersinia, Campylobacter, and Vibrio in the stool shall be required to comply with the Division's recommendation for treating and eradicating such pathogens. The Food Handler must show proof of eradication of carriage of stool pathogens by means of subsequent stool culture after treatment before the Division issues a Food Handler Certificate.

b. Stool Parasites. Food Handlers found to have stool parasites, including Ameba, Giardia, round worms, tapeworms, or any other intestinal parasite, shall be required to comply with the Division's recommendation for treating and eradicating such parasites. The Food Handler must show proof of eradication of carriage of parasites by means of subsequent stool culture after treatment before the Division issues a Food Handler Certificate.

c. Tuberculosis. Food Handlers found to have active Tuberculosis shall be required to comply with the Center for Tuberculosis and Lung Disease protocol for treating active Tuberculosis. Food Handlers who have an abnormal chest radiograph suspicious of tuberculosis shall be referred to the Center for Tuberculosis and Lung Disease for further evaluation and treatment as needed. The Food Handler shall be required to cooperate with any Tuberculosis therapy prescribed by the Center for Tuberculosis and Lung Disease. The employer of any Food Handler diagnosed with active Tuberculosis shall be notified.

7.2 Procedure when Infection Is Suspected. When the Secretary has probable cause to suspect disease transmission by a Food Handler, the Secretary may require a medical history, Physical Examination, and any necessary screening tests required to determine whether the suspected Food Handler has a communicable disease. If the Food Handler is confirmed to have a communicable disease, the Secretary may require any or all of the following measures:

- a. Restriction of the Food Handler's services to an area of the establishment where there would be no danger of him or her transmitting the disease;
- b. Physical Examinations and health screening tests of other employees working in the same establishment as the Food Handler;
- c. The immediate exclusion of the Food Handler from employment until such time that the Food Handler is considered non-communicable;
- d. The immediate closing of the place of employment concerned until, in the opinion of the Secretary, no further danger of disease outbreak exists;
- e. Confinement of the Food Handler in the Commonwealth Health Center or the Food Handler's is considered non-communicable.
- f. If applicable, referrals of the Food Handler to the Department of Labor and Immigration for immediate deportation back to his or her country of origin.

VIII. APPLICATION OF THESE RULES AND REGULATIONS TO FOOD HANDLERS CURRENTLY WORKING IN THE CNMI

Upon the effective date of these Rules and Regulations, all Food Handlers currently working in the CNMI shall have ninety (90) days to obtain a Food Handlers

Certificate in order to be in compliance with the requirements of these Rules and Regulations. Those Food Handlers who have already had a Physical Examination in the CNMI, have completed a Food Handlers Education seminar within the prior six (6) months, and/or screening tests within the prior three (3) months as required by these Rules and Regulation shall not be required to obtain new ones. The **Clinic Food Handlers** shall be required to bring the results to the Physical Examination **and/or screening results to the Division.** The **Food Handler shall provide** documentation of completion of the Food Handler Education seminar and/or screening results to the Division for entry into the database and for issuance of the Food Handler Certificate.

IX. PENALTIES FOR VIOLATION OF THESE RULES AND REGULATIONS

9.1 Penalties for Food Handlers. Food Handlers who are found to be in violation of these Rules and Regulations shall be reported to the Division and recommended for restriction from food handling activities and shall be subject to the following penalties.

a) For first time violations, the Food Handler shall receive a warning letter from the Division setting forth a date of compliance for obtaining a Food Handlers Certificate;

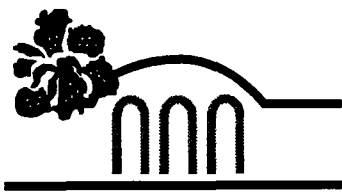
b) For repeated violations, the Food Handler shall be subject to a fine of up to \$500.00, as provided in 3 CMC § 2126

9.2 Penalties for Employers. An employer found to be employing a Food Handler who has not been issued a Food Handlers Certificate by the Secretary and is not undergoing treatment at the Division **or their Physician**, or an Employer otherwise violating the provisions of these Rules and Regulation shall be subject to the following penalties:

a) For first time violations, the employer shall receive a warning letter from the Division setting a forth a compliance date for obtaining a Food Handlers Certificate for the Food Handlers who have not obtained Physical Examination and Screening Tests;

b) For repeat violations, the Employer shall be subject to a fine a fine of up to \$500.00 for each Food Handlers who have a valid Food Handler Certificate and is not undergoing treatment at the Division, as provided in 3 CMC § 2126.

9.3 Penalties for Other Violations. Any person found by the Department to have obtained a Food Handler Certificate by fraudulent means; forged or altered information on a Physical Examination form or Screening Test; refused or failed to comply with any order issued by the Secretary or Duly Authorized Representative pursuant to these Rules and Regulations, or violated these Rules and Regulations in any other manner, shall be liable for a civil penalty of up to \$1,000.00 for each violation of the Rules and Regulations.



Northern Mariana Islands Museum

OF HISTORY & CULTURE

Caller Box 10007 Saipan, MP 96950 • Phone: (670) 664-2160 • Fax: (670) 664-2170 • E-mail: cnmimuseum@saipan.com

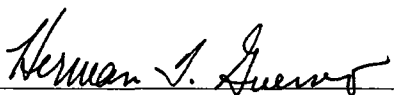
PUBLIC NOTICE

PROPOSED AMENDMENTS TO THE MUSEUM'S ADMISSION FEES

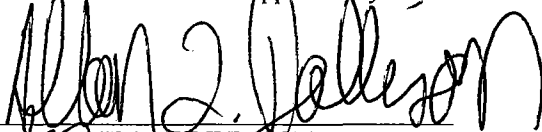
The Board of Governors of the Commonwealth of the Northern Mariana Islands Museum of History and Culture, pursuant to its rule making authority under 2 CMC §4474(b) and (l) and in accordance with the provisions of 1 CMC §9102, §9104(a) and §9105, hereby gives notice to the general public of its intention to promulgate regulation amendments to the schedule of fees for the Museum. Title 2 CMC §4874(l) provides that the Commonwealth Museum, through its Board of Governors, may impose and collect reasonable fees for the use of the Museum's facilities and to view its collections. The proposed amendments to the schedule of fees for admission into the Museum are herewith published.

All interested persons may examine the proposed regulations and submit written comments, position, or statements for or against the proposed amendments to the Commonwealth of the Northern Mariana Islands Museum of History and Culture, P.O. Box 504570, Saipan, MP 96950, no later than thirty (30) calendar days following the date of publication of this Notice in the Commonwealth Register.

Dated this 17th day of September 2001, at Saipan, Northern Mariana Islands.


By: 
HERMAN T. GUERRERO
Chairman, Board of Governors

Pursuant to 1 CMC §2153, amended by Public Law 10-50, the amendments attached hereto have been reviewed and approved by the NMI Attorney General's Office.


HERBERT D. SOLL
Attorney General

Date: Sep 18, 2001

RECEIVED BY:

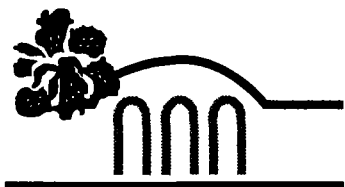

JOSE I. DELEON GUERRERO
Special Assistant for Administration

FILED BY:


SOLEDAD B. SASAMOTO
Registrar of Corporations

Dated: 09/18/01

Dated: 8/21/01



Northern Mariana Islands Museum

OF HISTORY & CULTURE

Caller Box 10007 Saipan, MP 96950 • Phone: (670) 664-2160 • Fax: (670) 664-2170 • E-mail: cnmimuseum@saipan.com

Nutisian Publiku

I Mapropone na Amendasion siha gi Areklamento yan Regulasion Apas Entrada gi Museum

I Board Gubietnu siha para i Museum i Sankattan na Islas Marianas, sigun gi aturidat'ña mamatinas areklamentu gi papa 2 CMC §4474(b) yan (l) yan komu sigun i prubinsion siha gi papa i 1 CMC §9102, §9104(a) yan §9105, ginen esti man'nana'i nutisia para i publiku henerat put i intension'ña para u amenda i regulasion apas entrada para halum gi Museum. I Titulu 2 CMC§4874(l) ha prubeninyi na i Museum i Commonwealth entri i Board i Gobietnoña siha, siña ha enfuetsa yan ha rekohi resonabli na apas para i ma'usan i Museum mismu yan para i ma'egga' i kosasña siha. I mapropopone siha na amendasion put areklamentun apas entrada para halum gi Museum esta manma publika kuntodu i man'malista siha guini.

Todu ayu siha na petsona i man interesao ma eksamina esti siha i manmapropopone na tinulaika para i areklamentun apas halum gi i Museum, pot fabot tugi'i katta i administradot i Museum gi P.O. Box 504570, Saipan, MP 96950 gi halum trenta (30) dias despues di ma imprinta esti siha i manmapropopone para u fan matulaika gi i Commonwealth Register.

Ma fecha gi mina' 17th na dia, gi Septiembre, 2001, giya Saipan, I Sangkattan siha na Islas Marianas.


HERMAN T. GUERRERO, Chair, Board of Governors

Sigun gi 1 CMC §2153, ni inamenda ni Lai Publiku 10-50, i manmapropopone siha na tinulaika ni patti guini siha na attikulu, esta mataitai, ma eksamina, yan ma apreba nu i Ofisinan i Attorney General i Sangkattan siha na Islas Marianas.

HERBERT D. SOLL, Attorney General

Fecha: _____

Rinisibi as:

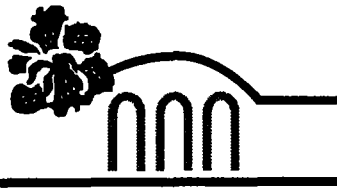
Ma Apunta as:

JOSE I. DELEON GUERRERO
Especiat na Ayudanti para Administrasion

SOLEDAD B. SASAMOTO
Rehistradoran Kotporasion

Fecha: _____

Fecha: _____



Northern Mariana Islands Museum

OF HISTORY & CULTURE

Caller Box 10007 Saipan, MP 96950 • Phone: (670) 664-2160 • Fax: (670) 664-2170 • E-mail: cnmlmuseum@saipan.com

Proposed Regulation on Entrance Fees to the Commonwealth of the Northern Mariana Islands Museum of History and Culture

Citation of
statutory authority:

The Board of Governors is authorized to promulgate this regulation pursuant to 2 CMC §4474(b) and (l) and 1 CMC §§9102, 9104, and 9105.

Short statement of
goals and objectives:

To impose and collect reasonable fees for the use of the Museum's facilities and to view its collections.

Brief summary
of proposed rules:

To amend the admission fees to provide inclusive reference to adults 18 years and older and to accord the Board of Governors greater discretion over the waiver or suspension of the admission fees for the benefit of the Museum.


For further information,
contact:

Genevieve S. Cabrera, Acting Executive Director
Telephone No.: (670) 664-2160
Facsimile No.: (670) 664-2170

Citation of affected
rules and regulations:

Museum schedule of Admission Fees as published in Vol. 21, No. 4 of the Commonwealth Register dated 19 April 1999 and subsequently amended thereafter.

Submitted by:


Herman T. Guerrero, Chair
Board of Governors

17 Sept 2001
Date

Proposed Amendments to Schedule of Admission Fees

| <u>Age Group</u> | <u>Admission Fee</u> |
|---|----------------------|
| 1. Children under 12 years of age | Free |
| 2. Students age 12 and older with student identification card | \$1.00 |
| 3. Students on pre-scheduled field trips | Free |
| 4. Adults age 18 and older | \$3.00 |
| 5. Senior citizens 55 years of age and older | Free |
| 5. Disabled individuals | Free |
| 6. Group rate (per adult) | \$2.00 |

A group is defined as ten (10) or more individuals who have scheduled to view the Museum's exhibit(s) at a given time during its regular hours of operation.

7. The Board of Governors may waive or suspend admission fees for purposes to promote or otherwise benefit the Museum.



COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 501055 • SAIPAN • MP 96950-1055
Phone: (1-670) 664-3500/1 FAX: (1-670) 234-5962
E-Mail Address: cpa.admin@saipan.com

PUBLIC NOTICE OF ADOPTION OF AMENDMENTS TO PART 8.8 OF THE COMMONWEALTH PORTS AUTHORITY AIRPORT RULES AND REGULATIONS

The Commonwealth Ports Authority, pursuant to its rule-making authority under 2 CMC §§9102, 9104(a) and 9105, hereby gives notice that the proposed amendment to Part 8.8 of the CPA Airport Rules and Regulations which would allow for the operation of gambling and amusement devices at the airports of the Commonwealth, to the extent authorized by law and to the extent that such activity does not contravene by pre-existing contractual rights and obligations, as published in the Commonwealth Register, Volume 23, Number 04, on April 23, 2001, at pages 17826 through and including 17833, were adopted by the CPA Board of Directors at its regular meeting on August 28, 2001, a quorum being present. No comments were received and the amendment was adopted without change. Copies of the amended regulation may be obtained from the Office of the Executive Director, Commonwealth Ports Authority, Saipan International Airport or by mail at P. O. Box 501055, Saipan, MP 96950.

The amended regulations, as adopted, become effective ten (10) days after publication of this Notice in the Commonwealth Register.

Issued by:


CARLOS H. SALAS
Executive Director

9/5/01

Date


Received by:


JOSE L. DELEON GUERRERO
Special Assistant, Administration

09/18/01

Date

Filed and
Recorded by:


SOLEDAD B. SASAMOTO
Registrar of Corporations

8/21/01
Date



COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 501055 • SAIPAN • MP 96950-1055
Phone: (1-670) 664-3500/1 FAX: (1-670) 234-5962
E-Mail Address: cpa.admin@saipan.com Website: cpa.gov.mp

NUTISIAN PUPBLIKU GI INADAPTAN AMENDASION PARA PATTE 8.8 GI AREKLAMENTO YAN REGULASION AIRPORT COMMONWEALTH PORTS AUTHORITY

I Commonwealth Ports Authority, sigun i aturidat ni sina mamatinas areklamento gi papa 2 CMC § 9102, 9104(a) yan 9105, ginen este mana'nae nutisia ni i priniponen amendasion gi Patte 8.8 (Gambling) CPA Areklamento yan Regulasion Airport ni para u sedi i operation put humugandon salape siha yan ramenta humugando gi airport siha gi halom Commonwealth, komu ma aturisa yan amanu chi-na ni lai yan manu loque china para ayu siha na aktebidat ti u kontradise i manhagas yan prisenti siha na lai gi direcho yan obligasion, ni manma pupblika gi Rehistran Commonwealth, Baluma 23, Numiru 04, Abrit 23, 2001, pahina 17826 asta yan engklusu 17833, manma adapta ni CPA Board of Directors gi regulat na huntan-niha gi August 28, 2001, anai mayoria manprisenti (quorum). Taya komento siha manma risisibi ya i amendasion esta ma-adapta sin tinulaika. Kopian i ma amenda na regulasion sina manmachule guato gi Ofisinan Direktot Eksekatibu, Commonwealth Ports Authority, Saipan International Airport, osino ginen i mail gi P. O. Box 501055, Saipan, MP 96950

I manma amenda siha na regulasion, ni ma-adapta, u efektibu dies (10) dias despues di mapublika este na Nutisia gi Rehistran Commonwealth.

Linaknos:

CARLOS H. SALAS
Direktot Eksekatibu

9/5/01

Date

Rinisibi as:

JOSE I. DELEON GUERRERO
Special Assistant, Administration

Date

Mafile yan
Rinekot as:

SOLEDAD B. SASAMOTO
Rehistradoran Kotporasion

Date



COMMONWEALTH PORTS AUTHORITY

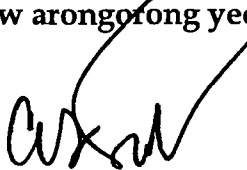
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E-Mail Address: cpa.admin@saipan.com Website: cpa.gov.mp

ARONGOROL TOULAP REEL ADOPTIONUL LLIWELIL AUTOL GHILIGHILIL 8.8 ALLEGHUL AIRPORT COMMONWEALTH PORTS AUTHORITY

Commonwealth Ports Authority, reel bwángil igha emmwel ebwe fféér allégh faal 2 CMC §§ 9102, 9104(a), nge ekke arongaar toulap igha pomwol Iliiwel kkewe llól ghilighili 8.8 reel CPA Alléghúl Airport iye rebwe ayoora peráeaghi ukkurul salapi mellol Airports kka Commonwealth, igha tool nge ebwe tabweey allégh me tool ukkur kkaal essóbw atippa allégh kkewe fasúl me ikka ighila reel wel me angaang, igha rongowow llól Commonwealth Register, Volume 23, Numuro 04, maram ye Séétá 23, 2001, schéél tiliigh kka 17826 mwet ngáli me toolong 17833, nge CPA Board of Directors ra adaptli igha eyoor aar yeelágh ráálil ye August 28, 2001, igha bwete ebwe alongeer re schu. Esóór mánagemáng me tiip kka e atotoolong reel autol Iliiwel kkaal iwe ra adaptlii lo, nge ese bwal Iliiwel. Kopiyaal Iliiwelil autol allégh kkal nge emmwel schagh bwe iyo e tipáli ebwe ló bweibwogh mellól Bwulasiyool Executive Director, Commonwealth Ports Authority, Seipél International Airport, ngare llól mail iye P. O. Box 501055, Seipél, MP 96950.

Lliiwel autol allégh kkaal, nge a adapt ló nge ebwe alléghé ló llól seigh (rá) sáangi igha rongowow arongorong yeel llól Commonwealth Register.

Mereel:



CARLOS H. SALAS
Executive Director

9/5/01

Rál

Bwighiiyal:

JOSE I. DELEON GUERRERO
Special Assistant, Administration

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Isáliiyal:

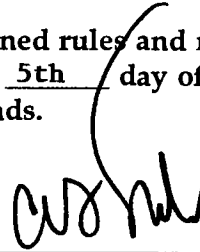
SOLEDAD B. SASAMOTO
Registrar of Corporations

Rál

**CERTIFICATE OF ADOPTION OF THE
AMENDMENT TO PART 8.8 OF THE (GAMBLING)
OF THE AIRPORT RULES AND REGULATIONS**

I, **CARLOS H. SALAS**, Executive Director of the Commonwealth Ports Authority (CPA), the agency which is promulgating the amendment to Part 8.8 (Gambling) of the Airport Rules and Regulations, which were published in the Commonwealth Register at Volume 23, Number 04, on April 23, 2001, at pages 17826 through and including 17833, by my signature below, do hereby certify that the final rules and regulations were adopted by the CPA Board of Directors at its regular Board meeting on August 28, 2001, without any change. I hereby request and direct that the Public Notice and this Certificate of Adoption be immediately published in the Commonwealth Register.

I declare under penalty of perjury that the aforementioned rules and regulations are true and correct and that this declaration was executed on the 5th day of September, 2001, at Saipan, Commonwealth of the Northern Marianas Islands.

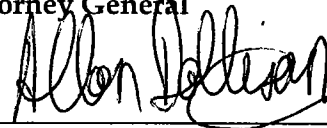


CARLOS H. SALAS
Executive Director

Pursuant to 1 CMC §2153, as amended by P.L. 10-50, the rules and regulations as described in the foregoing Certificate of Adoption have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this 18th day of Sep., 2001.

HERBERT D. SOLL
Attorney General

By: 

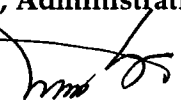
ALLAN DOLLISON
Assistant Attorney General

Received by: 

JOSE I. DELEON GUERRERO
Special Assistant, Administration

09/18/01

Date

Filed and Recorded by: 

SOLEDAD B. SASAMOTO
Registrar of Corporations

8/21/01

Date

PUBLIC NOTICE

NOTICE OF ADOPTION OF PROPOSED FINANCIAL ASSISTANCE AND SCHOLARSHIP RULES AND REGULATIONS


I, Meliza S. Guajardo, Acting Scholarship Administrator of the Commonwealth of the Northern Mariana Islands which is promulgating the Proposed Rules and Regulations regarding Financial Assistance and Scholarship published in the Commonwealth Register Volume 23 Number 07 on July 20, 2001 pages 18183 to 18201, by signature below hereby certify that as published such Proposed Rules and Regulations are true, complete and a correct copy of the Rules and Regulations amending the Financial Assistance and Scholarships Rules and Regulations previously published by the Scholarship Office, which after the expiration of the appropriate time for public comment, have adopted with minor modifications or amendment as set forth below:

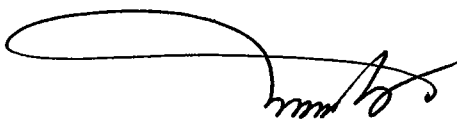
1. Educational Assistance Program Rules and Regulations Section 2:E to include after the last sentence: This may be waived for applicants who are Certified Disabled.
2. Educational Assistance Program Rules and Regulations Section 2:H should read: Equivalent: Equivalent of a High School Graduation is limited to a General Education Development (GED), Graduation from the Advance Development Institute, An Adult High School Diploma, or an approved National or Federal Standardized Test which provides evidence of successful completion of education at a 12th grade level.
3. Educational Assistance Program Rules and Regulations Section 5:A,B,C and D to include "and" after each subsection.
4. Educational Assistance Program Rules and Regulations Section 5:A after the word fulltime to include in a parenthesis (with exception to Certified Disability applicants).
5. Educational Assistance Program Rules and Regulations Section 15:D should read: Remedial preparatory courses or non-credit courses for first year students required by the institution may be eligible for financial assistance for a total of 12 credits. However this does not exempt the recipient in completing the program within the established duration period.

6. Educational Assistance Program Rules and Regulations Section 15 to include a subsection F to read: Duration of awards will not apply to students with Certified Disability.


I further request that this Notice and Certification of Adoption be published in the Commonwealth Register and that these Rules and Regulations become effective upon its publication.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in Saipan, Commonwealth of the Northern Marianas Islands.

Certified By: 
MELIZA S. GUAJARDO
Acting Scholarship Administrator
DATE 9/17/01

Filed By: 
SOLEDAD B. SASAMOTO
Registrar of Corporations
DATE 8/21/01

Certification of Compliance with Directive No. 183

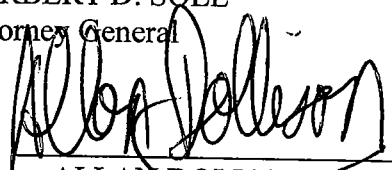
Received By: 
JOSE L. DELEON GUERRERO
Special Assistant for Administration
Office of the Governor
DATE 09/18/01

CERTIFICATION BY THE OFFICE OF THE ATTORNEY GENERAL:

Pursuant to 1 CMC § 2153 as amended by Public Law 10-50, the above certification hereto have been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General.

Dated this 18th day of September, 2001.

HERBERT D. SOLL
Attorney General

By: 
ALLAN DOLLISON
Assistant Attorney General

RULES AND REGULATIONS GOVERNING THE EDUCATIONAL ASSISTANCE PROGRAM

1. PURPOSE

The Scholarship Advisory Board hereby establishes an Educational Assistance Program (EAP) for the purpose of assisting, through locally funded grants, eligible resident of the Commonwealth of the Northern Mariana Islands (CNMI) who desire to pursue a post-secondary study from within or outside of the Commonwealth.

2. DEFINITION FOR IMPLEMENTING EAP RULES AND REGULATIONS

- A. "PERMANENT RESIDENT": A person who resided in the Commonwealth continuously for the past two (2) years preceding the award and who intends to continue doing so indefinitely.
- B. GRANTS: Financial assistance awarded for the purpose of post-secondary studies.
- C. INCENTIVE AWARD: An additional award awarded to undergraduate students majoring in areas considered "priority majors". Priority Majors are areas of studies determined to be essential to the Commonwealth of the Northern Mariana Islands. The Scholarship Advisory Board may change priority majors based on the need of the Commonwealth.
- D. REMEDIAL PREPARATORY COURSES: Courses that are below college level courses. Recipient who are solely taking remedial preparatory courses are not eligible for incentive award.
- E. FULLTIME STATUS: Fulltime status for undergraduate is 12 credits per semester or term. Fulltime status for graduate program will be determined on the Institutions definition of a graduate program per semester/term. Courses that are repeated are not counted towards fulfillment of a fulltime status. This may be waived for applicants who are Certified Disabled.
- F. CORRESPONDENCE SCHOOL: A school that teaches nonresident students by mailing them lessons and exercises, which upon completion are returned to the school for grading.
- G. ON-LINE COURSES: Courses available through a computer or telecommunication systems.
- H. EQUIVALENT: Equivalent of a High School Graduation is limited to a General Education Development (GED), Graduation from the Advance Development Institute, An Adult High School Diploma, or an approved National or Federal Standardized Test which provides evidence of successful completion of education at a 12th grade level.

3. SCHOLARSHIP ADVISORY BOARD

The Scholarship Advisory Board is created under Executive Order 94-3 Sec. 211. Members are appointed by the Governor. The Board members serve on a voluntary basis without compensation. The duties and responsibilities of the Board are:

- A. To review and submit to the Governor recommendations pertaining to scholarship awards and incentive awards.
- B. To review and submit determination on cases which have been appealed by students to the Scholarship Office and to the Governor.
- C. To advise/assist the Scholarship Administrator on Rules and Regulation and matters concerning student's financial assistance and budgetary allocation.

4. FUNDING FOR EDUCATIONAL ASSISTANCE PROGRAM (EAP)

Funding for Educational Assistance Program is from the scholarship funds appropriated by the legislature on a fiscal year basis. The level of funding, if any, is contingent on the balance of funds available after all statutory scholarship programs have been paid. Because circumstances vary from year to year, and EAP award for one year is no assurance of the same assistance in subsequent years. Thus, there may be variations in the amount of assistance offered to a student from one year to the next because of changes in the availability of funds appropriated by the legislature or the number or amount of statutory scholarships awarded.

5. ELIGIBILITY REQUIREMENTS FOR EAP

TO RECEIVE EAP, A STUDENT MUST:

- A. Be accepted and enrolled fulltime (with exception to Certified Disability applicants) in an accredited college or institution; and,
- B. Be a United States Citizen; and,
- C. Be a permanent resident of the Commonwealth; and,
- D. Maintain a satisfactory progress in a course study according to the standards established by the Scholarship Office; and
- E. Have a high school diploma or equivalent.

6. NEW APPLICANTS

- A. An Application Form must be completed and signed; and,
- B. The most recent sealed official transcript from high school or post secondary institution must be mailed directly from the institution to the Scholarship Office. A transcript faxed directly from the Institutions Records Office may be accepted as an unofficial transcript until such time the original is received, as required; and,
- C. A letter of acceptance from institution as proof of admission for new students; and,
- D. Documents to meet requirements of citizenship and residency, and any other document as required; (Original Passport or Original Birth Certificate and CNMI annual Tax Return, Drivers License, CNMI Affidavit Card or other documents as appropriate).

7. CONTINUING STUDENTS

- A. A Renewal Application Form must be completed and signed; and,
- B. A most recent sealed official transcript from post secondary institution must be mailed directly from the institution to the Scholarship Office. A transcript faxed directly from the Institutions Records Office may be accepted as an unofficial transcript until such time the original is received, as required; and
- C. A letter of acceptance from institution as proof of admission for transferring students.

8. RETURNING STUDENTS

A student who did not receive Financial Assistance from the Scholarship Office for a period of one year as a result of ineligibility and/or break in attendance is considered a returnee and must provide the following:

- A. An Application Form must be completed and signed; and,
- B. A letter of re-acceptance from the institution for those took a break in enrollment, or a letter of acceptance into the institution for transferring students.
- C. A most recent sealed official transcript post-secondary institution must be mailed directly from the institution to the Scholarship Office. A transcript faxed directly from the Institutions Records Office may be accepted as an unofficial transcript until such time the original is received, as required; and
- D. Documents to meet requirements of citizenship and residency, and any other document as required; (Original Passport or Original Birth Certificate and CNMI annual Tax Return, Drivers License, CNMI Affidavit Card or other documents as appropriate).

9. MEMORANDUM OF AGREEMENT

Upon award of EAP, the Applicant must complete and sign the Memorandum of Agreement to return to the Commonwealth and other Terms and Conditions established by Law or these Rules and Regulations by the Scholarship Office.

10. TIME TO RETURN

A recipient must return to the CNMI within three (3) months after his/her completion or having ceased his/her educational pursuit.

11. ELIGIBILITY REQUIREMENT FOR INCENTIVE PROGRAM

To be considered for an incentive in addition to EAP, an undergraduate student must meet all the following criteria's

- A. Must meet all of the EAP requirement.
- B. Must declare a major, which is in the priority majors as approved by the Scholarship Advisory Board.

- C. Must submit a certified copy of acceptance into the priority major program from the Respective Department, and
- D. Must have a cumulative GPA of 2.25.

NOTE: Incentive Program is contingent upon availability of funds. Recipients who are solely taking remedial preparatory courses are not eligible for incentive award.

12. APPLICATION DEADLINE

It is the student's responsibility to obtain and fill all the forms by the established deadline in order to be considered for EAP. A completed APPLICATION must be received or post-marked by: July 1st for Fall Semester/Quarter; December 15th for Winter/Spring Semester/Quarter.

NOTE: If the deadline falls on a weekend or a holiday, the deadline will be the next working day.

13. SATISFACTORY ACADEMIC PROGRESS (SAP)

A student is qualified to receive EAP only if SAP is being maintained. SAP for EAP and incentive for credit students is defined as:

- A. Completion of the minimum number of units for full-time students (twelve credit hours). Courses that are repeated are not counted towards fulfillment of a fulltime status; and,
- B. Maintaining the following cumulative grade point average (GPA):

Undergraduate 2.25

Graduate and Professional as required by the institution to remain enrolled.

- C. Exceptions: New Incoming Freshmen & Post-secondary student First-Time Recipient

An applicant who is an incoming freshman or a first-time recipient of EAP funds who will be attending a post-secondary institution will be considered for financial assistance even if his/her cumulative GPA is below the 2.25 cumulative GPA requirement. In order to continue in the EAP program the applicant has one semester to raise his/her cumulative GPA to the cumulative GPA requirement of 2.25.

14. STUDENTS WHO EITHER DROP OR WITHDRAW FROM CLASSES

- A. Students who accepted funds and either drop or withdraw will be suspended. EAP recipients who do not maintain SAP will be placed on suspension and are disqualified from further participation in the EAP unless and until they meet the requirements for reinstatement as set forth herein.
- B. Recipients of EAP who fail to maintain the required cumulative GPA and/or fail to maintain a full-time enrollment status during each term shall not be eligible for EAP until he/she fulfills the requirements of the award given. Courses that are repeated are not counted towards fulfillment of a fulltime status.
- C. Students on suspension may be reinstated upon meeting the required cumulative GPA and completing hours lacking from previous term awarded.
- D. Summer sessions are governed by the same SAP standards as Fall, Winter, or Spring semesters/quarters. Students may use summer course work to makeup hours and/or cumulative GPA deficiency from the previous semester/quarter preceding the summer session to restore them to good standing. Summer course work must be part of the student's declared academic field of study. Summer session is an option for students to enroll, however the Scholarship Office will not fund for summer session.

15. DURATION OF AWARD

UNDERGRADUATE DEGREES

- A. Two and half (2 ½) academic years for undergraduate programs leading toward an associate's degree.
- B. Four and a half (4 1/2) academic years for undergraduate programs leading toward a bachelor's degree. A maximum of five (5) years is allowed for completion of specialized majors, as required by the Institution.
- C. EAP Assistance provided for Certificate and Associate's Degree will be included when determining the duration for award for a Bachelor's degree program.
- D. Remedial preparatory courses or non-credit courses for first year students required by the institution may be eligible for financial assistance for a total of 12 credits. However this does not exempt the recipient in completing the program within the established duration period.
- E. All programs that the Scholarship Office administers will be considered towards the duration of award.
- F. Durations of Awards will not apply to students with Certified Disability.

GRADUATE DEGREES

- G. Two (2) academic years for graduate level students, leading to a masters degree or Registry and Licensure.
- H. Three (3) academic years for a Juris Doctor Degree.
- I. Six and half (6 ½) academic years for advance degree directly providing health care (not Administrative), e.g. MD, DDS, DO which generally require additional

years of study as specified in the catalog in force at the time the student is enrolled.

- J. NO EAP will be awarded once a recipient has completed a "level of education" EAP grants will then only be awarded for the next level of education.
- K. EAP and incentive awards will not be granted to fund Religious Studies or advanced non-health care degree programs.
- L. EAP will not be granted to students attending Correspondence School.
- M. On-line programs will be determined on a case-by-case basis. However, On-line programs must be taken within the CNMI.

16. FRAUDULENT INFORMATION

All documents received by the Scholarship Office are subject to verification from the Institution and sources from which it came. The applicant is individually responsible for the integrity of these documents. Recipients and/or their authorized representative who submit documents that are false or tampered with in any way will result in the recipients' immediate and permanent removal from any the Scholarship program administered by the Scholarship Office. Documents include but not limited to application, supporting documents, grade reports, transcript, letters of reference or letters of recommendation, etc.

17. AGREEMENT OF GRANTS AND/OR INCENTIVE

- A. In recognition of the scarcity of trained manpower in the Commonwealth all recipients of grants and/or incentives are required to return to the CNMI three (3) months after completion of their educational degree to work in the Commonwealth.
- B. Recipients, who after a good-faith effort are unsuccessful in finding employment in the Commonwealth within the time given, may request, in writing an extension of time to secure employment in the Commonwealth. Documentation justifying non-employment must accompany the request for an extension.
- C. Recipients who do not comply with the Memorandum of Agreement (MOA) will be subjected to repay the total amount of grants and/or incentives awarded. The amount may either be repaid in full or in installments as determined by the Scholarship Office and the Board.
- D. Legal proceedings will be taken to recover the total amount of EAP awarded should a recipient fail to return to the CNMI within three (3) months after receipt of his/her degree or the conclusion of his/her educational pursuit. The recipient shall pay all legal expenses incurred by the government in the effort to recover EAP and/or incentive awards.
- E. No penalty shall be imposed on a recipient who decides to return to the CNMI and find employment in the CNMI before the completion of study and the

appropriate cancellation rates shall be applied. However, should the individual decide to return to school, apply, and is awarded a grant and/or incentive the cancellation shall cease immediately and shall be added toward the new EAP.

18. APPEALS

- A. A recipient who is denied EAP has the right to appeal a decision of the Scholarship Office to the Scholarship Advisory Board. Any applicant or recipient may also appeal a decision by the Scholarship Administrator.
- B. Appeals must be in writing addressed to the Chairperson of the Scholarship Advisory Board. All Appeals on the actions of the Scholarship Administrator shall initially be to the Scholarship Advisory Board
- C. The Appeal must be postmarked or hand-delivered no later than twenty-one (21) calendar days after notification of the decision by the Scholarship Administrator. Notification if mailed shall be given via certified mail, return receipt requested.
- D. The appeal to the Scholarship Advisory Board shall be heard and decided pursuant to applicable CNMI law, including, but not limited to, the CNMI Administrative Procedure Act, 1 CMC Section 9101 et. sec.
- E. All Decisions by Scholarship Advisory Board on Appeals are final regarding the administrative review process.

14. EFFECTIVE DATE

This Rules and Regulation shall take effect Fall 2001 semester/quarter.



Commonwealth of the Northern Mariana Islands
BOARD OF PUBLIC LANDS MANAGEMENT



OFFICE OF PUBLIC LANDS

NOTICE OF FINDINGS AND STATEMENT OF REASONS
FOR ADOPTION OF EMERGENCY ADMINISTRATIVE
HEARING PROCEDURE RULES AND REGULATIONS

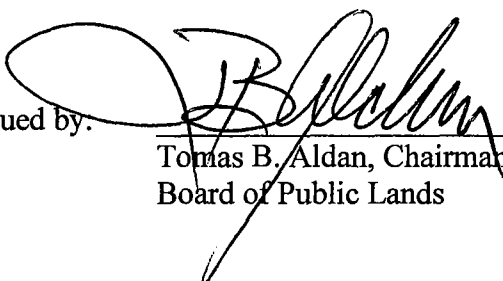
EMERGENCY: The Board of Public Lands of the Commonwealth of the Northern Mariana Islands (the "Board") finds that under 1 CMC § 9104(b), the public interest requires the adoption of the Emergency Administrative Hearing Procedure Rules and Regulations (these "regulations") attached hereto. The Board further finds that the public interest mandates adoption of these regulations upon fewer than thirty (30) days notice, and that these regulations shall become effective immediately after filing with the Registrar of Corporations, subject to the approval of the Attorney General and the concurrence of the Governor and shall remain effective for 120 days.

REASONS FOR EMERGENCY: The Board finds that there is a backlog of pending land claims appeals within the Office of Public Lands that are waiting to be heard and decided. As a result, the Board has appointed the present Hearing Officer to hear and decide these appeals. The Board, however, finds that until these regulations have been approved and adopted, the Hearing Officer cannot adequately function in carrying out his duties to hear and decide appeals. Therefore, the Board finds that, in the interest of the public, it is necessary that these regulations are approved and adopted immediately in order to officially facilitate the administrative hearing process and final disposition of pending land claims appeals within the Office of Public Lands.

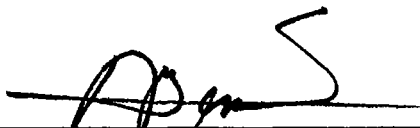
CONTENTS: These regulations provide for the appointment and duties of the Hearing Officer, the conduct and procedure of the administrative hearing procedure, the types of claims appealable to the Hearing Officer, and subsequent appeals, if any, to the Board of Public Lands.

INTENT TO ADOPT: The Board of Public Lands intends to adopt these regulations as emergency regulations only, pursuant to 1 CMC §§ 9104(b) and 9105(b)(2).

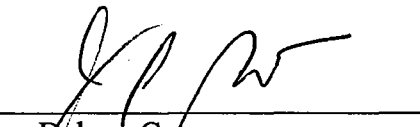
AUTHORITY: The Board of Public Lands is authorized to adopt and issue regulations under Public Law 12-33.

Issued by: 
Thomas B. Aldan, Chairman
Board of Public Lands

Date: 9/20/01

Concurred by: 
Pedro P. Tenorio
Governor

Date: 9/21/01

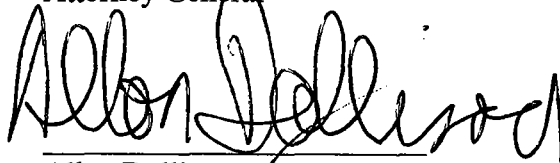
Received by: 
Jose Deleon Guerrero
Special Assistant for Administration

Date: 09/21/01

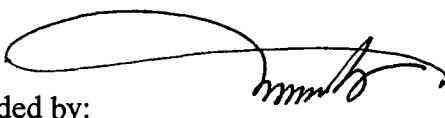
Pursuant to 1 CMC § 2153, as amended by Public Law 10-50, the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the Attorney General of the CNMI.

Dated this 21st day of September, 2001.

Herbert D. Soll
Attorney General



Allan Dollison
Assistant Attorney General

Filed and Recorded by: 
Soledad B. Sasamoto
Registrar of Corporations

Date: 9/24/01



Commonwealth of the Northern Mariana Islands
BOARD OF PUBLIC LANDS MANAGEMENT



OFFICE OF PUBLIC LANDS

**NUTISIA POT SINEDA' SIHA YAN STATMENTU I RASON SIHA PARA
I MA ADOPTAN I GOTPE NA NISISIDAT NA ADMINISTRATIVE HEARING
PROCEDURE RULES AND REGULATIONS**

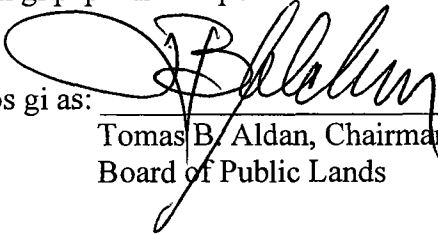
GOTPE NA NISISIDAT: I Board of Public Lands, Commonwealth i San Katan na Islas (i "Board") ha sodda' na sigon gi papa' 1 CMC § 9104(b), i interes i publiku ha mamanda na debi di uma adopta i Emergency Administrative Hearing Procedure Rules and Regulations (esti na "regulasion") ni dumadaña yan esti na nutisia. I Board lokue ha sodda' na i interes i publiku ha mamanda na debi di uma adopta i regulasion menus di trenta (30) dias na nutisian publiku, ya esti na regulasion debi de umana' efectibu ensigidas gigon ma na' halom gi Rehistradoran Kotporasion, kumu esta munhayan ma apreba ni Abugao Henerat yan ma fabot ni i Gubietnon Commonwealth.

RASON POT GOTPE NA NISISIDAT: I Board ha sodda' na guaha siha appeals pot kausan tano gi halom i Ofisinan i Tano Publiku manman nanangha para ufan ma ekunghut yan para ufan ma decide. Pot esti na rason, i Board ha apunta i presenti na Hearing Officer para u ekunghut yan u decide esti siha na appeals. Lao i Board ha sodda' na tisiña i Hearing Officer kumalamtin gi ofisiat na manera para u chogui i chechoña umekunghut yan man decide ni eyu siha na appeals ni manman nanagha, taki ma apreba yan ma adopta esti i na regulasion. Iyigi na, i Board ha decide na, gi halom i interes publiku, neseariu na uma apreba yan ma adopta esti na regulasion ensigidas kosa ki siña ofisiatmente ma autorisa i administrative hearing process yan finat na disposision i manman nanangha na appeals pot kausan tano gi halom i Ofisinan i Tano Publiku.

SINAGUAN: Esti na regulasion ha prebeniniyi i inapunta yan chochu i Hearing Officer, i kondukto yan chachlanña i administrative hearing process, i difrentis siha na klasin kausan tano siña ma apela hulo' gi Hearing Officer, yan i ma apelan i disision i Hearing Officer, kumu guaha, guatu gi i Board of Public Lands.

INTENSION INADOPTA: I Board of Public Lands ha intensiona umadopta esti na gotpe na nesisidat regulasion sigun i ginagagao gi 1 CMC §§ 9104(b) and 9105(b)(2).

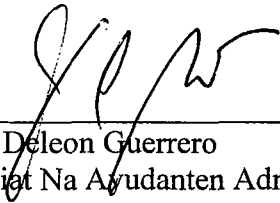
AUTORIDAT: I Board of Public Lands ma autorisa para u adopta yan u fan lakngos regulasion gi papa' Lai Publiku P.L. 12-33.

Linakngos gi as: 
Tomas B. Aldan, Chairman
Board of Public Lands

Fecha: 9/20/01

Finabot gi as: _____
Pedro P. Tenorio
Gobietnon Commonwealth

Fecha: _____

Ni Resibe gi as: _____

Jose Deleon Guerrero
Espisat Na Ayudanten Administrasion

Fecha: 09/21/01

Sigun gi 1 CMC § 2153, ni inamenda ni Lai Pupbliku 10-50, i gotpe na nisisidat regulasion ni checheton guine esta manmaina yan ma apreba ni Ofisinan i Abugao Henerat i CNMI.

Mafecha gi esti i mina' _____ na dia, gi Septiembre, 2001.

Herbert D. Soll
Abugao Henerat

Allan Dollison
Ayudanten Abugao Henerat

Fi Nial yan
Ni Rekod gi as: _____
Soledad B. Sasamoto
Rehistradoran Kotporasion

Fecha: _____

**(PROPOSED) EMERGENCY ADMINISTRATIVE HEARING PROCEDURE
RULES AND REGULATIONS**

BOARD OF PUBLIC LANDS MANAGEMENT

I. AUTHORITY.

These emergency rules and regulations are hereby promulgated and issued by the Board of Public Lands of the Commonwealth of the Northern Mariana Islands, pursuant to its powers, duties, and authorities under Public Law 12-33, effective December 5, 2000.

II. PURPOSE OF REGULATIONS.

The purpose of these emergency rules and regulations is to provide a comprehensive and efficient administrative hearing process for the Office of Public Lands.

III. DEFINITIONS.

- A. *Administrator.* The Administrator of the Office of Public Lands.
- B. *Administrative Hearing Officer.* The in-house Hearing Officer selected by the Board of Public Lands to conduct administrative hearings in accordance with the Commonwealth Administrative Procedure Act and these rules and regulations.
- C. *Administrative Procedure Act.* The Commonwealth Administrative Procedure Act, codified as 1 CMC § 9101 et seq.
- D. *Board of Public Lands.* The policy-making body responsible for the management, use, and disposition of all Commonwealth submerged and surface public lands.
- E. *Office of Public Lands.* The office, headed by the Administrator, established under the control and general supervision of the Board of Public Lands to execute, implement and enforce the policies, decisions, orders, rules and regulations of the Board of Public Lands.

IV. ADMINISTRATIVE HEARING OFFICER POSITION.

- A. The Board of Public Lands hereby establishes the position of Administrative Hearing Officer (“Hearing Officer”) and authorizes the Hearing Officer to conduct appellate hearings and issue decisions on administrative land claims.
- B. The Hearing Officer shall have the authority to hear any appeal made by any person aggrieved by a decision made by the Administrator or his/her designee.

The decision of the Hearing Officer is final unless appealed to the Board of Public Lands.

- C. In the event that the Hearing Officer has determined that a conflict, if any, exist pursuant to the CNMI Code of Ethics, the Administrative Procedure Act, or for any other reason(s) duly noted, the Board of Public Lands may select a Hearing Officer *ProTem* to hear and issue a decision and order on such appeal.
- D. The Hearing Officer, in carrying out his/her duties and responsibilities, pursuant to the Commonwealth Administrative Procedure Act and these rules and regulations, shall exercise his/her independent judgment on the evidence before him/her, free from pressures by the parties to the appeal involved, the Board of Public Lands, the Office of Public Lands, or any other Commonwealth government agencies and/or officials.

V. HEARING: CONDUCT AND PROCEDURE.

The Hearing Officer shall conduct and regulate the course of the hearing proceedings and issue decisions in conformance with the Administrative Procedure Act, 1 CMC § 9101 et seq.

VI. APPEALEABLE DECISIONS OF THE ADMINISTRATOR OR HIS/HER DESIGNEE.

- A. Denial or Noncompliance of Village Homestead.
- B. Denial or Noncompliance of Agricultural Homestead.
- C. Denial or Noncompliance of Surface or Submerged Lands Permit or Lease.
- D. Denial of Land Claims.
- E. Denial of Land Exchange.

The Administrator or his/her designee's written notice of denial or noncompliance shall inform the aggrieved person that he/she may appeal, in writing, such adverse decision to the Hearing Officer within thirty (30) days of receipt of notice of denial or noncompliance.

VII. APPEAL TO THE BOARD OF PUBLIC LANDS.

Any person not satisfied with the decision of the Hearing Officer may appeal such decision to the Board of Public Lands within thirty (30) days of receipt of the Hearing Officer's decision. The Board of Public Lands, having the authority over the management, use, and disposition of all Commonwealth surface and submerged public lands, is the final agency authority.

VIII. APPEAL OF THE BOARD OF PUBLIC LANDS DECISION.

Appeals from a Board of Public Lands decision shall be brought pursuant to the Administrative Procedure Act.

IX. TIMING: ISSUANCE OF DECISIONS AND ORDERS.

The Hearing Officer shall issue his/her decision on each claim after the administrative hearing proceeding is fully completed. The decision may be issued within thirty (30) days. If more time is needed to issue a decision, due to caseloads, the parties will be notified of such extension.

X. SEVERABILITY.

If any provision of these rules and regulations shall be held invalid by a court of competent jurisdiction, the remainder of such rules and regulations other than those to which it is held invalid, shall not be affected thereby.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Pedro P. Tenorio
Governor

Jesus R. Sablan
Lt. Governor

Caller Box 10007
Saipan, MP 96950
Telephone: (670) 664-2200/2300
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TROPICAL STORM PABUK (14W)

EMERGENCY DECLARATION NO. 11-2001

DATE: 8/14/2001


SUBJECT: Executive of the Commonwealth of the Northern
Mariana Islands' Emergency Operation Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands
declared readiness **TROPICAL STORM CONDITION I** for the Island of

AGRIHAN effective **7:00 P.M., AUGUST 14, 2001**; and

WHEREAS, in accordance with provisions of the Commonwealth of the Northern
Mariana Islands' Emergency Operation Plan, the declaration automatically puts into
execution the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is
directed that the operational portions of the CNMI Emergency Operation Plan be
executed, effective **7:00 P.M., AUGUST 14, 2001**, on the island of **AGRIHAN**,
continuing so long as required by the emergency situation.


PEDRO P. TENORIO
Governor
Commonwealth of the Northern
Mariana Islands



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Pedro P. Tenorio
Governor

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TROPICAL STORM PABUK (14W)

EMERGENCY DECLARATION NO. 12-2001

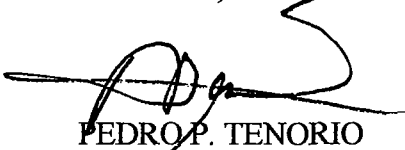
DATE: 8/15/2001

SUBJECT: Termination of the Commonwealth of the Northern Mariana Islands' Emergency Operation of the EOP

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands Has **DECLARED** an "**ALL CLEAR CONDITION**" for the Island of **AGRIHAN** effective **8:00 P.M., AUGUST 15, 2001**; and

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (EOP), the declaration automatically operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the operational portions of the CNMI Emergency Operation Plan be terminated, effective **8:00 P.M., AUGUST 15, 2001**, on the island of **AGRIHAN**.


PEDRO P. TENORIO
Governor
Commonwealth of the Northern
Mariana Islands