COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS



OCTOBER 30, 2009

ADDENDUM TO

COMMONWEALTH REGISTER
VOLUME 31
NUMBER 10
OCTOBER 29, 2009

COMMONWEALTH REGISTER

10.30.09

ADDENDUM TO

VOLUME 31 NUMBER 10 OCTOBER 29, 2009

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NOTICE OF EMERGENCY REGULATIONS

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Group Health Insurance Program Commonwealth of the Northern Mariana Islands

Mark A. Aguon, Administrator

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PUBLIC NOTICE OF EMERGENCY REGULATIONS

WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE GROUP HEALTH INSURANCE PROGRAM

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Board of Trustees of the Northern Mariana Islands Retirement Fund ("NMIRF"), Commonwealth of the Northern Mariana Islands, intends to adopt as permanent rules and regulations the attached emergency amendments to the Rules and Regulations Governing the Group Health Insurance Program, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a)(1)and (2).

AUTHORITY: The Board of Trustees ("Board") of the Northern Mariana Islands Retirement Fund ("Retirement Fund") has statutory power to promulgate and effect the CNMI Group Health and Life Insurance Rules and Regulations (Plan Description) pursuant to 1 CMC § 8424-27. See also NMIAC § 110-30.1-1401.

THE TERMS AND SUBSTANCE: The Program is underwritten exclusively by the CNMI Government to provide an affordable health insurance plan for the benefit of CNMI government employees. The Program is designed to be self sufficient, and therefore, must establish rates sufficient to pay for administration of the Program and particularly claims incurred by Enrollees in the Plan.

The Board finds that, pursuant to § 9104(b), the public interest and imminent peril to the public welfare requires the adoption, on an emergency basis, of amendments to the Rules and Regulations Governing the Group Health Insurance Program, as published in the Commonwealth Register, Volume 28, Number 08, dated August 24, 2006, and as amended and adopted as published in the Commonwealth Register Volume 29, Number 07, dated July 18, 2007 and Volume 29, Number 08, dated August 17, 2007 (effective August 27, 2007), respectively; and as further amended and adopted as published in the Commonwealth Register Volume 29, Number 11, dated November 19, 2007 and Volume 29, Number 12, dated December 18, 2007 (effective December 28, 2007), respectively.

The Board further finds that the public interest and this imminent peril to the public welfare mandates adoption of these amendments to the Rules and Regulations Governing the Group Health Insurance Program upon fewer than thirty (30) days notice, and that these amendments shall become effective immediately after filing with the Commonwealth Register, subject to the approval of the Attorney General and the concurrence of the Governor and shall remain effective for a period of 120 days, unless sooner adopted as permanent regulations.

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations:

- 1. Address the renewal of Aetna Global Benefits as the Carrier of the Fully Insured Health Program, of which effective date is November 1, 2009. Open Enrollment Period is scheduled also from November 1, 2009 through November 30, 2009. Nevertheless, the normal Notice and Comment Period for promulgation of regulations is unavailable, as the earliest possible regulatory adoption would be November 15, 2007—fully 15 days following the requisite implementation of the renewed Fully Insured Program, and risks the health, safety, and welfare of thousands of members at risk for being potentially uninsured during that 15 day period. This "window of uninsurable risk," will dissipate upon promulgation of these Emergency Regulations. Additional concerns are the consistent mounting of health care costs which would normally arise during the requisite period of time incumbent with the normal Notice and Comment Period for promulgation of regulations. Along with this renewal, a concomitant increase in Premiums, as well as Enhanced Medical Coverage, under the Fully Insured Program arises, the Board of Trustees being aware that this emergency exists, acts immediately to address the situation.
- 2. Recognize that failure to immediately implement these Rules and Regulations will result in:
 - Medical Providers denying enrollees treatment and necessary prescription drugs;
 - Confusion to enrollees regarding premiums;
 - Confusion in accounting of government agencies and entities regarding the amounts to be deducted for employee premiums;
 - Confusion in accountability of government agencies and entities regarding the enrollment procedures of existing and new enrollees;
 - Duplication of efforts should the Rules and Regulations be implemented at a later date, resulting in additional costs and further deterioration of the fragile financial condition of the Program and risk of jeopardizing termination by Carrier;
 - Enrollees risking the inability to receive the proper and necessary medical treatment for which the Program was designed to provide; and
 - Potential Liability for the Program and Government for failing to act.
- 3. Implement Revised Medical Coverage (NMIAC § 110-30.1-305), Revised Premium Rates (NMIAC § 110-30.1-870), and the renewed Administration of the Group Health Insurance Program by Aetna Global Benefits as a Fully Insured Health Program.
- 4. The adoption of these emergency amendments to the Rules and Regulations Governing the Group Health Insurance Program will *effectuate critical changes* to the Group Health Insurance Program, *crucial to the proper operation and survival of the Program*, the public interest, and serve the best interests of the members and the public.

CONCURRENT ADOPTION OF EMERGENCY REGULATIONS FOR 120 DAYS: The Board has followed the procedures of 1 CMC § 9104(b) and (c) to adopt these Proposed Regulations on an emergency basis for 120 days. The Governor signed the emergency regulations on 0年、3009. The emergency regulations are now in effect.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Rules and Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1)).

TO PROVIDE COMMENTS: Send or deliver your comments to Mark A. Aguon, Administrator, Attn: Proposed Amendments (Emergency) to the Rules and Regulations Governing the Group Health Insurance Program, at the above address, fax or email address, with the subject line "Proposed Amendments to Rules and Regulations Governing Group Health Insurance Program". Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2)).

These Proposed Rules and Regulations were duly approved and adopted by the Board of Trustees on October 30th, 2009.

Submitted by:	Myn	18/30/59
	MARK A. AGÚON C N Administrator, NMIRF/GHLITF	Date
Received by:	ESTHER S. FLEMING Governor's Special Assistant for Administration	/0/30/09 Date
Concurred by:	BENIGNO R. FIT(AL Governor	10/30/09 Date
Filed and Recorded by:	Smiles	10.30.09
	ESTHER M. SAN NICOLAS Commonwealth Register	Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the Proposed Rules and Regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated this **Z**₁ day of ______ 2009.

EDWARD T. BUCKINGHAM

Pluzm

Attorney General

EMERGENCY AMENDMENTS TO THE RULES AND REGULATIONS GOVERNING THE GROUP HEALTH INSURANCE PROGRAM

Amendments to ARTICLE 10 – Premiums, Section 10.15: [Codified as NMIAC § 110-30.1-870]

10.15. The Chart below details the monthly Contributions required from Subscribers and the Government, and the total Premium, beginning on the Effective Date of this Plan Document, which Effective Date is November 1, 2007 November 1, 2009. Beginning with the Plan Year that commences November 1, 2007 November 1, 2009, the Government Contribution and total Premium for each category and coverage shall be as follows (see next page).

Unless determined otherwise by actuarial study and recommendation, the Government Contribution to Premiums shall increase by five percent (5%) annually, each such increase to become to fifty percent (50%) effective at the beginning of the Plan Year, commencing November 1, 2009 with the first such increase being effective in January 2003. The automatic increases shall continue annually until such time the Government's Contribution is equal to the Subscriber's Contribution. The Government shall pay no subsidized premium to any carrier not competitively selected as the exclusive carrier(s) for the Government Plan. The issuance of a Request for Proposals will be the subject of an annual review process commencing in the third quarter of each Fiscal Year.

Contribution Rates
Rates Effective November 1, 2007 Pay Period Starting November 8, 2009

Type of Enrollment	Enrollment Code Number	Contribution Distribution	Active and Retired Monthly Premium <u>Bi-Weekly</u>	<u>Retiree</u> Semi-Monthly
Single	1	Government Contribution Subscriber Contribution	\$52.00 <u>\$ 64.72</u> \$117.90 <u>\$ 64.72</u>	\$ 70.11 \$ 70.11
		Total Premium	\$169.90 <u>\$129.44</u>	<u>\$140.22</u>
Couple	2	Government Contribution Subscriber Contribution	\$104.50 <u>\$132.68</u> \$243.82 <u>\$132.68</u>	<u>\$143.73</u> <u>\$143.73</u>
		Total Premium	\$348.32 <u>\$265.36</u>	<u>\$287.46</u>
Family	3	Government Contribution Subscriber Contribution	\$163.12 <u>\$207.10</u> \$380.59 <u>\$207.10</u>	\$224.36 \$224.36
		Total Premium	\$543.71 <u>\$414.20</u>	<u>\$448.72</u>

Enrollees' premium rates may vary from time to time. In the event an increase in premiums is necessary, the Board of Trustees of the NMI Retirement Fund will promulgate this increase in the Commonwealth Register pursuant to the Administrative Procedures Act.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS



COMMONWEALTH REGISTER
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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS COMMONWEALTH ELECTION COMMISSION

NOTICE OF EMERGENCY AMENDMENTS TO THE COMMONWEALTH ELECTION COMMISSION'S REGULATIONS

(§30-10-446, §30-10-448 & §30-10-450)

EMERGENCY: The Commonwealth Election Commission ("Commission") finds that under 1 CMC § 9201 (b), the public interest and welfare requires the adoption of emergency amendments to the Commission's regulations and further finds that the public interest and welfare mandates adoption of these emergency amendments upon fewer than thirty (30) days notice and that these regulations shall become effective immediately upon filing with the Registrar of Corporation, subject to the approval of the Attorney General and the concurrence of the Governor and shall remain in effect for 120 days.

REASON FOR EMERGENCY: Currently, the Commission has been mandated to conduct preliminary counting in each Senatorial District. As the primary means of tabulating is through an electronic tabulation/counting device, procedures have to be in place to conduct such activity. Furthermore, as our listing of registered voters continues to increase, the Commission also finds it necessary to procure additional electronic tabulation/counting devices to augment the current tabulating system. As these current units become obsolete, additional units have been procured to replace these units in order to ensure an expeditious and accurate means of tabulating an election. Setting such procedure will the timely counting of these ballots.

Pursuant to Public Law 12-18, as amended, there shall be a General Election on Saturday, November 7, 2009. It is necessary to enact these regulations on an emergency basis to guarantee the regulations are in place for the general election and to provide time to educate the public before the election regarding the regulations contents.

AMENDMENT: The Commission's Regulations shall be amended to read as follows:

§30-10-446 Counting Method (Primary and Alternate). The primary method of tabulating and counting ballots shall be through the E.S. & S. Model 150 Central Ballot Seanner an Electronic Tabulating/Counting Device. The alternate method shall be by hand count. If the Election Commission decides that under the circumstances the primary method cannot be used and they decide that the alternate method must be used, then all ballots in the Commonwealth shall be hand counted. Nothing in this section shall prevent the Commission from inspecting a ballot rejected by the electronic tabulating/counting device if

there is a legal vote on that ballot.

§30-10-448 <u>Counting Center Procedures (Inspection and Preparation of Ballots)</u>. Each election districts' ballots shall be segregated from each other election district

and there shall be no intermingling of the ballots among districts. Once the ballot boxes are opened and the district's ballots are retrieved from the box, the ballots shall be processed through the Central Ballot Scanner Electronic Tabulating/Counting Device for tabulation in accordance with proper procedures for that machine. This will include placing the ballots through the ballot jogger/tray for final preparation before being placed in the Central Ballot Scanner Electronic Tabulating/Counting Device.

§30-10-450

Rejected Machine Ballots, Overvote Ballots and Undervote Ballots. If the Central Ballot Scanner Electronic Tabulating/Counting Device should reject any ballot in part or in its entirety or record and overvote or record an undervote, then the ballot may be referred for the Election Commission for final determination of the vote. If the Election Commission finds that the voter marked their ballot with either a proper mark or a marginal mark as defined by section 5.4 of these regulations, then the voter's ballot shall be counted. If the voter marked the ballot with an improper mark as defined by Section 5.4 of these regulations, then the vote shall not be counted. In other circumstances, if a ballot is rejected by the Central Ballot Scanner Electronic Tabulating/Counting Device or upon further review, the Election Commission finds that no part of the voter's mark was inside the oval next to the candidate's name, then no vote from that ballot shall be recorded for the candidate(s). Overvote ballots may be examined by the commissioned to determine if the voter voted for more candidates than are allowed for a particular office. If smudges or marks of some kind are identified clearly as unintentional, but had the effect of registering too many votes for an office, then the Election Commission may reproduce the exact duplicate ballot. The commission in the alternative may place an Avery 0-806 a Removal Label over the unintentional mark and re-feed the ballot through the Central Ballot Scanner Electronic Tabulating/Counting Device. In all situations where the machine either rejects a ballot, records an overvote, records an undervote or a ballot is damaged or spoiled and the machine cannot read the ballot or record a vote, then the Election Commission may make an exact duplicate of the ballot that reflects the clear choice of the voter and that ballot shall be resubmitted through the machine. The Commission may also hand count the subject ballot to determine the clear choice of the voter and such hand count totals will be added to the machine count totals for the final count.

AUTHORITY: The authority for the adoption and promulgation of these amendments to the Commission's Regulations is by virtue vested in the Commission pursuant to Public Law 12-18, as amended, and the Commonwealth Administrative Procedures Act, 1 CMC § 9101, et seq.

NCES M. SABLAN, Chairwoman Commonwealth Election Commission

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10/19/09

Received by:	ESTHER S. FLEMING Special Assistant for Administration	OCT 2 6 2009 Date
Concurred by:	BENIGNO R. FITIAL, Governor	OCT 2 8 2009 Date
Concurred by:	ESTHER M SAN NICOLAS Commonwealth Registrar	10.29.09 Date
CMC § 9102 (a reviewed and app	MC § 2153 (c) (AG approval of regulations to)(3) (obtain AG approval) the proposed regul proved as to form and legal sufficiency by the CMC § 2153 (f) (publication of rules and regular	ations attached hereto have been CNMI Attorney General and shall
Dated the 29	of October 2009	
PM2 EDWA	RD T. BUCKINGHAM Attorney General	10.29.05 Date

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS HEALTH CARE PROFESSIONS LICENSING BOARD

BOARD EMERGENCY ORDER #01 APPROVING PRACTICE AGREEMENT AMENDMENT FOR REMOTE SUPERVISION (through October 31, 2009)

Summary

This Order is entered Thursday, October 1, 2009, pursuant to the Board's decision at its meeting on September 30, 2009. It immediately authorizes Lone Stephens, a physician assistant who will be working at the Tinian Health Center (THC), to work under the supervision of a physician located at a site other than the same Tinian Health Center. This Order thereby allows Ms. Stephens to treat patients only at the Tinian Health Center until the return of Dr. Priyantha Wijayagunaratne, the physician for Tinian Health Center who is on emergency leave. This Order is in effect from today through October 31, 2009. This Order only covers the Physician Assistant at THC and does not give her the same abilities to prescribe at locations other than THC.

Discussion

The "Health Care Professions Licensing Act of 2007", ("the Health Care Act" or "the Act"), 3 CMC §2201-36, PL 15-105, requires that a physician assistant ("PA") be licensed by the Health Care Professions Licensing Board ("the Board") and that his or her conduct conform to certain statutory and regulatory standards and specific dictates.

The pre-existing regulations of the predecessor Medical Professions Licensing Board continue in effect, except as amended by the Board:

- (e) Except as otherwise provided herein, the regulations, guidelines, standards, and procedures related to the regulation of the functions and operation of a regulated health care professional and/or profession that are in force when this Act becomes effective, shall continue to apply until amended or repealed by the Board.
- 3 CMC §2235(e). The Board has amended its regulations in part. 140 NMIAC 50.3-Commonwealth Health Care Professions Licensing Board Regulations. 30 Com Reg. 03, p28388 28426. It has not yet amended its PA regulations. So the pre-existing regulations apply.

The Board's authority proceeds from the Act and the Administrative Procedure Act. The Act established the Board with complete jurisdiction, power and authority to regulate health care professions. 3 CMC §2204(a). The Board's powers include:

- To adopt rules and regulations to enforce the Act. 3 CMC §2206(b);
- To issue, deny and condition licenses. 3 CMC §2206(c);
- To conduct disciplinary hearings to suspend or revoke licenses. 3 CMC §2206(h):
- To suspend or revoke a license. 3 CMC §2206(k);
- To act summarily in the face of the likelihood of harm to:
 - i. the public health, safety or welfare; or
 - ii. to the patients of a health care professional who is regulated by this Chapter. 3 CMC 2206(n).

A PA practicing with a license issued prior to the new Act and its new regulations continues as a licensee until the Board suspends or revokes that license.

A PA shall have at all times in effect a "practice agreement" with a supervising physician. 140 NMIAC §50.1-1220, 1230(d). Such agreement ordinarily provides that the supervising physician or alternate physician is responsible for all the medical activities of the PA, shall be available at all times for direct consultation with the PA, shall review and co-sign patient records, and provides

for the scope of the PA's activities. It also provides that all prescriptions written by a PA must also bear the supervising physician's name and DEA number and that the medication record for all prescriptions dispensed by the PA must be co-signed by the supervising physician within one week. 140 NMIAC §50.1-1235-1340.

The Administrative Procedure Act provides for licensee hearings, when a notice of a hearing is required, and defers to an agency's specific organic act. 1 CMC §9109-10. This Order addresses an emergency situation coming under the specific "immediate and grave danger to the public" provision of the HPLB, 3 CMC §2206(n).

Ruling and Ordering Paragraphs

The Board having fully advised in the premises of this matter, for the above stated reasons hereby ORDERS that:

- 1. Ms. Stephens may work as a licensed physician assistant at THC.
- 2. Supervision: Dr. Daniel Lamar, a physician employed at the FHP Health Center, Saipan, shall be the supervising physician. Dr. Richard Brostrom, a physician employed at DPH will be the alternate supervising physician.
- 3. The agreement shall include:
 - a. Daily emails shall be exchanged between Dr. Lamar or Dr. Brostrom and the physician assistant addressing narcotic prescriptions written.
 - b. The database of patients on chronic or long-term scheduled medications shall be maintained and updated by the physician assistant.
 - c. Chart notes and prescriptions will be sent to the supervising physician for review and signature, as provided below.
- 4 The physician assistant is authorized to prescribe:
 - a. Ms. Stephens is authorized to prescribe Schedule III through V medications as needed, and will use the THC institution DEA (BTO372576) for the same. She shall be limited to prescribing no more than 30 days supply and there will be no refills. Dr. Lamar or Dr. Brostrom shall review and sign chart notes within a month
 - b. Schedule II medications will be prescribed only for emergency cases. Schedule II medications must be discussed with the ER physician on duty at CHC and done as a verbal order from the ER physician at CHC and cosigned within 7 days of verbal order and all such prescriptions and chart notes must be presented to Dr. Lamar or Dr. Brostrom within three (3) days for co-signature. Both physician assistants shall be limited to prescribing no more than 14 days supply and there will be no refills.
- 5. Ms. Stephens shall submit the Practice Agreement written by the Board to address the requirements of this Order, and which shall be signed by her and the supervising physicians. This agreement must be submitted to the Board no later than Wednesday (10/7/09) afternoon by hard copy or electronically; otherwise this Order expires 24 hours later.
- 6. A copy of this Order shall be placed in a public area of the Tinian Health Center. The Executive Director is directed to do the following in person or by electronic means:
 - a. Serve this Order to Ms. Stephens: and
 - b. Serve this Order on the director of the Tinian Health Center; and
 - c. Have the Order published in the next Commonwealth Register.

A party seeking the appeal of this Order is directed to 1 CMC §9112(b), which provides for judicial review of final orders within 30 days in the Commonwealth Superior Court. The Board believes that this is a final Order.

IsI IsI IsI	Dr. Janet McCullough Dr. Leticia Borja, Board Member Dr. Ahmad Al-Alou, Board Member Ms. Pamela Carhill, Board Member Dr. Ken Pierson, Board Member	Dated: October 7, 2009 Health Care Profession Licensing Board Bldg #1242, Pohnpei Ct. Capitol Hill, Saipan, MP 96950 Tel: 670.664-4809 Fax: 670.664.4814
		Fax: 670.664.4814 Email: <u>bpl@pticom.com</u>

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name and DEA number and that the medication record for all prescriptions dispensed by the PA must be co-signed by the supervising physician within one week. 140 NMIAC §50.1-1235-1340.

The Administrative Procedure Act provides for licensee hearings, when a notice of a hearing is required, and defers to an agency's specific organic act. 1 CMC §9109-10. This Order addresses an emergency situation coming under the specific "immediate and grave danger to the public" provision of the HPLB, 3 CMC §2206(n).

Ruling and Ordering Paragraphs

The Board having fully advised in the premises of this matter, for the above stated reasons hereby ORDERS that:

- Mr. Jonathan Corrigan and Mr. Michael Carney may work as licensed physician 1. assistants at THC.
- Supervision: Dr. Gregory Kotheimer, a physician employed at the Commonwealth 2. Center, Saipan, shall be the supervising physician. Dr. Shirish Balachandra will be the alternate supervising physician.
- 3. The agreement shall include:
 - a. Daily emails shall be exchanged between Dr. Kotheimer or Dr. Balachandra and the two physician assistants addressing narcotic prescriptions written.
 - b. The database of patients on chronic or long-term scheduled medications shall be maintained and updated by the two physician assistants.
 - c. Chart notes and prescriptions will be sent to the supervising physician for review and signature, as provided below.
- 4. The two physician assistants are authorized to prescribe:
 - a. Mr. Corrigan and Mr. Carney are authorized to prescribe Schedule III through V medications as needed, and will use the THC institution DEA (BTO372576) for the same. Both physician assistants shall be limited to prescribing no more than 30 days supply and there will be no refills. Dr. Kotheimer or Dr. Balachandra shall review and sign chart notes within a month.
 - b. Schedule II medications will be prescribed only for emergency cases. Schedule II medications must be discussed with the ER physician on duty at CHC and done as a verbal order from the ER physician at CHC and co-signed within 7 days of verbal order and all such prescriptions and chart notes must be presented to Dr. Kotheimer or Dr. Balachandra within three (3) days for co-signature. Both physician assistants shall be limited to prescribing no more than 14 days supply and there will be no refills.
- 5. Mr. Corrigan and Mr. Carney shall submit the Practice Agreement written by the Board to address the requirements of this Order, and which shall be signed by both physician assistants and their supervising physicians. This agreement must be submitted to the Board no later than Wednesday (10/7/09) afternoon by hard copy or electronically, otherwise this Order expires 24 hours later.
- A copy of this Order shall be placed in a public area of the Tinian Health Center. The 6. Executive Director is directed to do the following in person or by electronic means:
 - a. Serve this Order to Mr. Corrigan and Mr. Carney;
 - b. Serve this Order on the director of the Tinian Health Center, and
 - c. Have the Order published in the next Commonwealth Register.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS HEALTH CARE PROFESSIONS LICENSING BOARD

BOARD EMERGENCY ORDER #01 APPROVING PRACTICE AGREEMENT AMENDMENT FOR REMOTE SUPERVISION (through October 31, 2009)

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Discussion

The "Health Care Professions Licensing Act of 2007", ("the Health Care Act" or "the Act"), 3 CMC §2201-36, PL 15-105, requires that a physician assistant ("PA") be licensed by the Health Care Professions Licensing Board ("the Board") and that his or her conduct conform to certain statutory and regulatory standards and specific dictates.

The pre-existing regulations of the predecessor Medical Professions Licensing Board continue in effect, except as amended by the Board:

(e) Except as otherwise provided herein, the regulations, guidelines, standards, and procedures related to the regulation of the functions and operation of a regulated health care professional and/or profession that are in force when this Act becomes effective, shall continue to apply until amended or repealed by the Board.

3 CMC §2235(e). The Board has amended its regulations in part. 140 NMIAC 50.3-Commonwealth Health Care Professions Licensing Board Regulations. 30 Com Reg. 03, p28388 – 28426. It has not yet amended its PA regulations. So the pre-existing regulations apply.

The Board's authority proceeds from the Act and the Administrative Procedure Act. The Act established the Board with complete jurisdiction, power and authority to regulate health care professions. 3 CMC §2204(a). The Board's powers include:

- To adopt rules and regulations to enforce the Act. 3 CMC §2206(b);
- To issue, deny and condition licenses. 3 CMC §2206(c);
- To conduct disciplinary hearings to suspend or revoke licenses. 3 CMC §2206(h);
- To suspend or revoke a license. 3 CMC §2206(k);
- To act summarily in the face of the likelihood of harm to:
 - i. the public health, safety or welfare; or
 - ii. to the patients of a health care professional who is regulated by this Chapter. 3 CMC 2206(n).

A PA practicing with a license issued prior to the new Act and its new regulations continues as a licensee until the Board suspends or revokes that license.

A PA shall have at all times in effect a "practice agreement" with a supervising physician. 140 NMIAC §50.1-1220, 1230(d). Such agreement ordinarily provides that the supervising physician or alternate physician is responsible for all the medical activities of the PA, shall be available at all times for direct consultation with the PA, shall review and co-sign patient records, and provides for the scope of the PA's activities. It also provides that all prescriptions written by a PA must also bear the supervising physician's

A party seeking the appeal of this Order is directed to 1 CMC §9112(b), which provides for judicial review of final orders within 30 days in the Commonwealth Superior Court. The Board believes that this is a final Order.

/s/	Dr. Janet McCullough	Dated: October 7, 2009
/s/	Dr. Leticia Borja, Board Member	Health Care Profession Licensing Board
/s/	Dr. Ahmad Al-Alou, Board Member	Bldg #1242, Pohnpei Ct.
/s/	Ms. Pamela Carhill, Board Member	Capitol Hill, Saipan, MP 96950
	Dr. Ken Pierson, Board Member	Tel: 670.664-4809

Fax: 670.664.4814 Email: bpl@pticom.com

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NORTHERN MARIANA ISLANDS RETIREMENT FUND



Honorable Lorenzo I. Deleon Guerrero Retirement Fund Building 1st Floor, Isa Drive, Capitol Hill P.O. Box 501247 CK Saipan, MP 96950-1247 Tel. No. (670) 322-3863~7 Fax No. (670) 664-8080

PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF THE RULES AND REGULATIONS OF MEMBER HOME LOAN PROGRAM

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED REGULATIONS Volume 31, Number 8, pp 029793-029804, of August 27, 2009

Regulations of the Member Home Loan Program: Part 15 - Sanctions, Delinquent Loans, and Foreclosure: Sections 15.1 and 15.2

ACTION TO ADOPT PROPOSED REGULATIONS: The Northern Mariana Islands Retirement Fund Board of Trustees ("Board"), HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at pages 029793 to 029804 in Volume 31, Number 8 on August 27, 2009, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Board announced that it intended to adopt them as permanent, and now does so. Id. I also certify by signature below that, as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above. The Board adopted the regulations as final at its meeting of September 27, 2009.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: Part 15, Sections 15.1 and 15.2 shall be amended to reflect publication in the Commonwealth Register, Volume 31, Number 8, pp 029793-029804 "(08/27/2009)" and final publication of this notice in Volume 31, Number 9, page and date printed below. I further request and direct that this Notice be published in the Commonwealth Register.

AUTHORITY: The Board is required by the Legislature to adopt rules and regulations regarding those matters over which the Board has jurisdiction, including its regulation pursuant to 1 CMC § 8315(f).

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if any, in response to any filed comments, which requested a response.

ATTORNEY GENERAL APPROVAL for modified regulations: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 224 day of September, 2009, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered b

PEDRO Q. DELA CRUZ

Acting Chairman, Board of Trustees

Northern Mariana Island's Retirement Fund

Filed and Recorded by:

Commonwealth Register

Northern Mariana Islands Retirement Fund Commonwealth of the Northern Mariana Islands

Mark A. Aguon, Administrator

1st Floor, Honorable Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Drive, Capital Hill
P.O. Box 501247 CK, Salpan, MP 96950-1247

Tel. No. (670) 322-3863~10; Fax No. (670) 664-8080; E-mail: administrator01@nmiretirement.com

PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE AMENDMENTS TO THE ADMINISTRATIVE RULES AND REGULATIONS OF THE NORTHERN MARIANA ISLANDS RETIREMENT FUND

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Northern Mariana Islands Retirement Fund ("NMIRF"), Commonwealth of the Northern Mariana Islands, intends to adopt as permanent rules and regulations the attached Proposed Amendments to the Administrative Rules and Regulations Governing the Northern Mariana Islands, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Rules and Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b)).

AUTHORITY: The Board of Trustees is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statute governing their activities. 1 CMC § 8315(f). See also Executive Order 94-3 (effective August 23, 1994, reorganizing the Executive branch).

THE TERMS AND SUBSTANCE: The Rules and Regulations provide guidelines for the Board to manage the government Retirement Program, as well as provide government employees and retirees information on how the Program functions.

Furthermore, the following citations, statutes and regulations are affected by these proposed amendments: Part 4, Sections 4.02(c) and (d), codified at NMIAC §§ 110-10-205(c) and (d); Public Law 13-60; Public Law 15-70; and the Rules and Regulations as published in the Commonwealth Register, Volume 27, No. 9, dated October 24, 2005, and in Volume 27, No. 11, dated December 30, 2005, and adopted as published in Volume 28, No. 3, dated March 30, 2006 (effective April 9, 2006); and as amended in Volume 29, No. 7, dated July 18, 2007, and adopted as published in Volume 29, No. 8, dated August 17, 2007 (effective August 27, 2007).

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations:

1. Modify language contained under 4.02(c) and (d) to include date of June 14, 2012 as the ending date for an eligible person to elect to take early retirement. Furthermore, regular interest would be capitalized to principal for payments made in full, prior to retirement, in a lump sum amount equivalent to the difference between Class I and Class II contributions.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Rules and Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1)).

TO PROVIDE COMMENTS: Send or deliver your comments to Mark A. Aguon, Administrator, Attn: Proposed Amendments to the Administrative Rules and Regulations Governing the Northern Mariana Islands Retirement Fund, at the above address, fax or email address, with the subject line "Proposed Amendments to Rules and Regulations Governing the Northern Mariana Islands Retirement Fund". Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2)).

These Proposed Rules and Regulations were duly approved and adopted by the Board of

Trustees on Syd	, 2009.	
Submitted by:	MARK A. AGUON	9/29/09 Date
Received by:	Administrator, NMIRF/GHLITF ESTHER S. FLEMING Governor's Special Assistant for Administration	9/29/09 Date
Filed and Recorded by:	miolon	10.29.09
	ESTHER M. SAN NICOLAS Commonwealth Register	Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the Proposed Rules and Regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated this 29 day of Oct. 2009

GREGORY BAKA
Acting Attorney General

Sangkattan Na Islan Marianas Fondon Ritiru Commonwealth gi Sangkattan na Islan Marianas Siha

Mark A. Aguon, Atministradot

Primet Bibienda, Hånoråpble Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Drive, Capital Hill

P. O. Box 501247 CK, Saipan, MP 96950-1247

Tel. Nu. (670)322-3863-10; Fax Nu. (670) 664-8080; E-mail: administrator01@nmiretirement.com

NUTISIAN PUPBLIKU PUT MAPROPONEN AREKLAMENTO YAN REGULASION SIHA NI PARA I AMENDASION SIHA PARA I ADMINISTRATIVE NA AREKLAMENTO YAN REGULASION SIHA GI SANGKATTAN NA ISLAN MARIANAS SIHA FONDON RITIRU

MA'INTENSIONA NA AKSION PARA U MA'ADÂPTA ESTE I MANMAPROPONE NA AREKLAMENTO YAN REGULASION SIHA: I Sangkattan Na Islan Marianas Siha Fondon Ritiru ("NMIRF"), Commonwealth gi Sangkattan na Islan Marianas siha, ha intensiona para u adâpta komu petmanente na areklamento yan regulasion siha ni mañechetton gi Manmapropone na Amendasion siha para i Administrative na Areklamento yan Regulasion siha ni Ginebebietna i Sangkattan na Islan Marianas siha, sigun gi manera siha gi Åkton Administrative Procedure, 1 CMC § 9104(a). I Areklamento yan Regulasion siha para u efektibu gi halom dies(10) diha siha despues di adâptasion yan pupblikasion gi halom i Rehistran Commonwealth. (1 CMC § 9105(b)).

ÅTURIDÅT: I Lehislatura ha nå'i fuetsa i Kuetpon i Trustee siha para u adåpta i areklamento yan regulasion siha para i atministrasion yan dinimåndan i estatua ni ginebebietna i aktibidåt-ña siha. 1 CMC § 8315(f). Atan lokkue' i Otden Eksakatibu 94-3 (efektibu gi Agostu 23, 1994, mata'lon otganisa i råmas Eksakatibu).

I SUSTÅNSIAN I PALÅBRA SIHA: I Areklamento yan Regulasion siha mana'guaha giniha siha para i Kuetpo para u maneha i gobietnamenton gi Prugråman Ritiru, parehu ha' para u pribeniyi i emple'ao gobietnamento yan i ritiråo siha infotmasion gi taimanu i fungksion i Prugråma siha.

Itmås, i sigiente na sitasion, estatua yan regulasion siha maninafekta ginen este i manmapropone na amendasion siha: Påtte 4, Seksiona 4.02(C) yan (d) codified gi NMIAC §§ 110-10-205(c) yan (d); Lain Pupbliku 13-60; Lain Pupbliku 15-70; yan i Areklamento yan Regulasion siha komu mapupblika gi halom i Rehistran Commonwealth, Baluma 27, Numiru 9, mafecha gi Oktubri 24, 2005, yan gi Baluma 27, Nu.11, mafecha gi Disembre 30, 2005, yan ma'adåpta komu mapupblika gi Baluma 28, Nu. 3, mafecha gi Måtso 30, 2006 (umefektibu gi Abrit 9, 2006); yan komu ma'amenda gi Baluma 29, Nu. 7, mafecha gi Huliu 18, 2007, yan ma'adåpta komu mapupblika gi Baluma 29, Nu. 8, mafecha gi Agostu 17, 2007 (efektibu gi Agostu 27, 2007).

I SUHETO NI MASUMARIA YAN ASUNTO NI TINEKKA: Este na areklamento yan regulasion siha:

1. Matulaika i lengguåhi ni kinonsiste gi papa' 4.02(c) yan (d) ni para u inengklusu i fecha gi Huniu 14, 2012 komu i uttimon i fecha para i kualifikao na petsona para u ayek ni para u chule' i tåftaf na ritiråo. Itmås, i regulåt na interes para u ma'usa para prinsipåt para åpas siha gi kabåles, antes di ritiu, gi i lump sum amount parehu para i diferensiao entalo' Klas I yan Klas II na kontribusion.

DIREKSION PARA U MAPO'LU YAN MAPUPBLIKA: Este i Manmapropone na Areklamento yan Regulasion siha debi na u mapupblika gi halom i Rehistran Commonwealth gi halom i seksiona ni mapropone yan nuebu na ma'adaptan regulasion siha (1 CMC § 9102(a)(1) yan mapega gi kombiniente siha na lugat gi halom i civic center yan gi ofisinan gobietnamento siha gi kada distriton senadot, parehu English yan i lengguahen natibu. (1 CMC § 9104(a)(1)).

PARA U MAPRIBENTYI OPIÑON SIHA: Na'hånao pat sino entrega i opiñon-mu para si Mark A. Aguon, Atministradot, Attn: Manmapropone na Amendasion siha para i Administrative na Areklamento yan Regulasion siha ni Ginebebietna i Fondo Ritiru gi Sangkattan na Islan Marianas siha, gi sanhilo' na address, fax, pat email address, yan i råyan suheto "Manmaproponen Amendasion siha para i Areklamento yan Regulasion siha ni ginebebietna i Fondon Ritiru gi Sangkattan na Islan Marianas siha". Todu opiñon debi na u fanhålom trenta(30) diha siha ginen i fechan pupblikasion este na notisia. Pot fabot na'hålom infotmasion, opiñon, pat testamoñon kinentra siha. (1 CMC § 9104(a)(2)).

Este i manmapropone na Areklamento yan Regulasion siha manma'apreba yan ma'dapta ginen i Kuetpon Trustee gi Gyt volume, 2009.

Nina'hålom as:

Atministradot, NMIRF/GHLITF

Fecho

Rinisibi as: ESTHER S. FLEMING Espesiåt Na Ayudånten Para I Atministrasion Gul	Fecha bietno
Pine'lu yan Rinikot as: ESTHER M. SAN NICOLAS Rehistran Commonwealth	/0.29.09 Fecha
Sigun i 1 CMC § 2153(e) (Inapreban i Abugådu Heneråt gi reg komu fotma) yan 1 CMC § 9104(a)(3) hentan inapreban Abugå Areklamento yan Regulasion siha ni mañechetton guini manma para fotma yan ligåt sufisiente ginen i CNMI Abugådu Henerå 1 CMC § 2153(f) (pupblikasion areklamento yan regulasion sil	adu Heneråt) i Manmaproponen aribisa yan manma'apreba komu t yan debi u mapupblika,
Mafecha este gi diha 29 gi Oct., 2009.	

Abugådu Heneråt

Téél Falúw Kka Efang Marianas Retirement Fund Mellól Commonwealth Téél Falúw Kka Efang Marianas

Mark A. Aguon, Administrator 1st Floor, Honorable Lorenzo I. Delon Guerrero Retirement Fund Building, Isa Drive, Capital Hill P.O.Box 501247 CK, Saipan, MP 96950-1247

ARONGOL TOULAP REEL POMWOL ALLÉGH KKA EBWE SSIWEL REEL AMMWELIL ME ALLÉGHÚL ADMINISTRATIVE REEL AWEWEEL RETIREMENT FUND MELLÓL TÉÉL FALÚW KKA EFANG MARIANAS

AGHIYÁGHIL FILLÓÓL POMWOL ALLÉGH KKAAL: Retirement Fund (NMIRF) Téél Falúw kka Efang Marianas, ebwe fillooy ammwel me allégh kkaal bwe ebwe allégh ffóscholó pomwol ssiiwel kka e appasch reel alléghul Administive kka e lemili Téél Falúw Kka Efang Marianas, sángi allégh ye 1 CMC § 9104(a). Allégh kkaal ebwe kkamalló llól 10 rál mwiril yaal filló me akkatewow mellól Commonwealth Register. (1 CMC § 9105(b))

BWÁNGIL: Mwiischil Board of Trustees eyoor bwángil sángi Sów Fféérúl Allégh bwe ebwe fillooy allégh kka e fil ngáli bwulasiyo me ammwelil lemelemil mwóghut kkaal. 1 CMC § 8315(f). Bwal amweri Executive Order 94-3 (e kkamalló August 23, 1994, ammwel sefáálil Executive branch).

KKEPASAL ME AWEEWE: Allégh kkaal e ayoora ammataf ngáli Mwiischil Board of Directors bwelle rebwe lemeli ammwelil government Retirement Program me bwal ayoora ngáliir ammataf schóól angaang me schóókka raa retired reel mwóghutul progróóma kkaal.

Allégh me ammwel kka e táttáletiw nge e fillong reel pomwol ssiiwel kkaal; Peigh 4, tálil 4.02(c) me (d), aa allégh me NMIAC §§ 110-10-205(c) me (d); Alléghúl Toulap 13-60; Alléghúl Toulap 15-70; me allégh kka aa akkatewow mellól Commonwealth Reghister, Volume 27, No. 9, rállil October 24, 2005, mellól Volume 27, No. 11, rállil December 30, 2005, me aa filló melló Volume 28, No. 3, rállil March 30, 2006 (e kkamalló April 9, 2006); me igha aa ssiiwel llól Volume 29, No. 7, rállil July 18, 2007, me aa fillool me akkatewow llól Volume 29, No. 8, rállil August 17, 2007 (e kkamalló August 27, 2007).

ÓUTOL ME KKEPASAL: Allégh kkaal nge:

1. Ebwe siweli kkepas ye elo faal 4.02(c) me (d) bwe ebwe toolong rállil ye June 14, 2012, bwe arorosol rál reel aramas ye ebwe fili mille early retirement. Me bwal reel aweweel schéschéél (reg.) ganansia, nge ebwe yááyá ng'li principal igha e abwós alongal (full), mmwal retirement, nge ebwe lump sum ngáli fischal Class 1 me Class 11, sángi llapal kka e akkatelong.

COMMONWEALTH REGISTER VOLUME 31 NUMBER 09 OCTOBER 29, 2009 PAGE 029945

AFALAFAL ME AKKATÉÉL: Pomwol Allégh kkaal ebwe akkatéélong Ilól Commonwealth Register llól tálil kka epomw lóll me ikka e ffé yaal filló (1 CMC §9102(a)(1) me e appasch llól bwuley kka e fil mellól bwulasiyool maghalaay llól alongal senatorial District, llól kkepasal English me mwaliyeer schóól faleey. (1 CMC § 9104(a) (1)

ISISILONGOL AGHIYEGH: Afanga máfiyómw ngáli Mark A. Aguon, Administrator, Attn: Proposed Amendments to the Administrative Rules and Regulations Governing the Northern Mariana Islands Retirement Fund, reel address, fax ngáre email address fengál me subject line ye "Proposed Amendments to Rules and Regulations Governing the Northern Mariana Islands Retirement Fund ". Máfiyámi ebwe toolong llól 30 rál sángi yaal fillo Arong yeel. Ów isisilong váámi aghiyegh, máfiyámi me ngáre pomwol ssiiwel. (1 CMC § 9104(a)(2)).

Allégh kkaal ebwe alléghúl me fillool sángiir Board of Trustees wóól Syd. 2009. Isáliyallong: MARK A. AGUO Rál Samwoolul, NMIRF/GHLITF Mwir Sángi: Rál ESTHER S. FLEMING Sów Aliilisil Sów Lemelem miles 10.29.09 **Ammwel Sángi:** ESTHER M. SAN NICOLAS Rál Commonwealth Register

Sángi allégh ye 1 CMC § 2153(e) (Alúghúlúghúl mereel Sów Bwángil Allégh Lapalap igha ebwe akkatééló) me 1 CMC § 9104(a)(3) (sángi alúghúlúghúl AG) pomwol allégh kkaal aa takkal ammwel ischiló mereel Sów Bwungul Allégh Lapalap me ebwe akkatééló, 1 CMC § 2153(f) (akkatéél allégh kkaal).

Ráálil ye 29 llól maramal OCT・ 2009

EDWARD T. BUCKINGHAM

Sów Bwungul Allégh Lapalap

PROPOSED AMENDMENTS TO THE ADMINISTRATIVE RULES AND REGULATIONS **GOVERNING THE NORTHERN MARIANA ISLANDS RETIREMENT FUND**

Amendments to PART 4 - Benefits: Section 4.02(c) and (d) - Early Retirement Benefits for Class I Members [Codified as NMIAC § 110-10-205(a) and (d)]:

- 4.02. Early Retirement Benefits for Class I Members, Post P.L. 15-70 (effective date June 14, 2007). A Class I member may elect to take early retirement under the following terms and conditions:
 - A. A person who became a Class I member before April 16, 1998 (the effective date of Public Law 11-9) must be at least 52 years of age with 10 years of vesting service or be under 62 years of age with at least 25 years of vesting service, provided that the member has at least three (3) years of credited service earned after May 7, 1989, and further provided that that person elected to take early retirement prior to June 14, 2007. Those who elect to take early retirement after June 14, 2007 will have until June 14, 2012 to take advantage of P.L. 13-60, as modified by P.L. 15-70 (lump-sum contribution, etc.). Those who do not elect to take advantage of P.L. 13-60, as modified by P.L. 15-70 (lump-sum contribution, etc.) between June 14, 2007 and June 14, 2012 shall only elect to take advantage of 1 CMC § 8342(a) as reenacted by P.L. 15-70.
 - B. A person who became a Class I member on or after April 16, 1998, must be at least 52 years of age with 10 years of membership service or be under 62 years of age with at least 25 years of membership service, provided that the member has at least 10 years of membership service earned after May 7, 1989, and further provided that that person elected to take early retirement prior to June 14, 2007. Those who elect to take early retirement after June 14, 2007 will have until June 14, 2012 to take advantage of P.L. 13-60, as modified by P.L. 15-70 (lump-sum contribution, etc.). Those who do not elect to take advantage of P.L. 13-60, as modified by P.L. 15-70 (lump-sum contribution, etc.) between June 14, 2007 and June 14, 2012 shall only elect to take advantage of 1 CMC § 8342(a) as reenacted by P.L. 15-70².
 - C. A person eligible to take early retirement under subsection A or B, and who so elects, may pay to the Fund, prior to retirement, a lump sum amount equivalent to the difference between Class I and Class II contributions, including regular interest, capitalized to principal, for all periods in which the member was

² See Note 1, supra.

^{1 1} CMC § 8342, entitled: "Early Retirement Benefits for Class I Members", as reenacted by P.L. 15-70, in pertinent part, states:

Any Class I member who has attained 52 years of age and has a minimum of 10 years of vesting service, or any member who has achieved a minimum of 25 years of vesting service, may elect to take early retirement, upon written application of the Board of Trustees, provided such member has at least three years of credited service earned after May 7, 1989.

⁽a) Any Class I member electing to take early retirement shall receive an amount equal to the amount the member would have been entitled to at normal retirement age reduced by an actuarially determined amount for each month the member is under 62 years of age.

required to make contributions until the date of retirement but in no event beyond June 14, 2012. Such payment does not constitute conversion from Class I to Class II; rather, it entitles the member to receive an annuity equivalent to the full amount the member would have been entitled to receive at age 62. No payment of such lump sum amount shall be allowed by installment or by deduction from the member's annuity. Provided, however, a person who became a member prior to 12/5/2003, may elect to have his/her benefits reduced by 3% for every year or fraction thereof that the member is under age 62.

- D. At any time prior to early retirement, but in no event beyond June 14, 2012, a person who is actively employed with the CNMI Government, may elect to pay to the Fund the difference between Class I and Class II contributions, including regular interest, for all periods in which the member was required to make contributions until the date of election. Such payment-shall must be made in full, prior to retirement, in a lump sum with an interest factor capitalized to principal. Such payment does not constitute conversion from Class I to Class II; rather, it entitles the member, upon early retirement, to receive an annuity equivalent to the full amount the member would have been entitled to receive at age 62. After such election, the member shall be deducted the applicable contribution rate of a Class II member until the date of retirement. An election under this paragraph is irrevocable.
- E. A terminated vested member is not eligible to receive early retirement benefits under 1 CMC § 8342. Accordingly, a person seeking to receive early retirement benefits must file the required documents and application with the Fund before officially separating from Government service. No applications for early retirement will be considered if the person already has terminated employment with the CNMI Government without first having filed the required application and documents.

³ 1 CMC § 8361(b), entitled: "Contributions to the Fund: By Member", as reenacted by P.L. 15-70, states:

Each Class II member of the Fund shall contribute 9.0 percent of the salary earned and accruing to the member in fiscal year 2006 and 2007. Beginning on the first day of fiscal year 2008 the rate shall increase by 1.0 percent per fiscal year until the contribution rate reaches 11 percent.

Northern Mariana Islands Retirement Fund Commonwealth of the Northern Mariana Islands

Mark A. Aguon, Administrator

1st Floor, Honorable Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Drive, Capital Hill
P.O. Box 501247 CK, Saipan, MP 96950-1247

Tel. No. (670) 322-3863~10; Fax No. (670) 664-8080; E-mail: administrator01@nmiretirement.com

PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE AMENDMENTS TO THE ADMINISTRATIVE RULES AND REGULATIONS OF THE NORTHERN MARIANA ISLANDS RETIREMENT FUND

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Northern Mariana Islands Retirement Fund ("NMIRF"), Commonwealth of the Northern Mariana Islands, intends to adopt as permanent rules and regulations the attached Proposed Amendments to the Administrative Rules and Regulations Governing the Northern Mariana Islands, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Rules and Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b)).

AUTHORITY: The Board of Trustees is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statute governing their activities. 1 CMC § 8315(f). See also Executive Order 94-3 (effective August 23, 1994, reorganizing the Executive branch).

THE TERMS AND SUBSTANCE: The Rules and Regulations provide guidelines for the Board to manage the government Retirement Program, as well as provide government employees and retirees information on how the Program functions.

Furthermore, the following citations, statutes and regulations are affected by these proposed amendments: Part 4, Sections 4.05 and 4.06, codified at NMIAC §§ 110-10-220 and 110-10-225, respectively; Part 7, Section 7.03, codified at NMIAC § 110-10-510; Public Law 13-60; Public Law 16-19; and the Rules and Regulations as published in the Commonwealth Register, Volume 27, No. 9, dated October 24, 2005, and in Volume 27, No. 11, dated December 30, 2005, and adopted as published in Volume 28, No. 3, dated March 30, 2006 (effective April 9, 2006); and as amended in Volume 30, No. 5, dated May 27, 2008, and adopted as published in Volume 30, No. 6, dated June 27, 2008 (effective July 7, 2008); Volume 30, No. 7, dated July 28, 2008, and as adopted as published in Volume 30, No. 10, dated October 25, 2008 (effective November 4, 2008); and further amended in Volume 30, No. 12, dated December 22, 2008, and adopted as published in Volume 31, No. 2, dated February 29, 2009 (effective March 7, 2009).

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations:

1. Clarify existing application of non-occupational disability benefits; applicability of potential unfunded liabilities pending Court decision; and, the administrative decision-making process.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Rules and Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1)).

TO PROVIDE COMMENTS: Send or deliver your comments to Mark A. Aguon, Administrator, Attn: Proposed Amendments to the Administrative Rules and Regulations Governing the Northern Mariana Islands Retirement Fund, at the above address, fax or email address, with the subject line "Proposed Amendments to Rules and Regulations Governing the Member Home Loan Program". Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2)).

These Proposed Rules and Regulations were duly approved and adopted by the Board of

Trustees on Suff	2009,	
Submitted by:	MAgm	9/24/09
	MARK A. AGUON	Date
	Administrator, NMIRF/GHLITF	
Received by:	Chan	10/29/09
	ESTHER S. FLEMING	Date /
	Governor's Special Assistant for Administration	
Filed and	$\Omega \cdot I$	
Recorded by:	mider	10.29.09
	ESTHER M. SAN NICOLAS	Date
	Commonwealth Register	

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the Proposed Rules and Regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated this <u>29</u> day of <u>Oct -</u> 2009.

Attorney General

Sangkattan Na Islan Marianas Fondon Ritiru Commonwealth gi Sangkattan na Islan Marianas Siha

Mark A. Aguon, Atministradot

Primet Bibienda, Hånoråpble Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Drive, Capital Hill P. O. Box 501247 CK, Saipan, MP 96950-1247 Tel. Nu. (670)322-3863-10; Fax Nu. (670) 664-8080; E-mail: administrator01@nmiretirement.com

NUTISIAN PUPBLIKU PUT MAPROPONEN AREKLAMENTO YAN REGULASION SIHA NI PARA I AMENDASION SIHA PARA I ADMINISTRATIVE NA AREKLAMENTO YAN REGULASION SIHA GI FONDON RITIRU GI SANGKATTAN NA ISLAN MARIANAS SIHA

MA'INTENSIONA NA AKSION PARA U MA'ADÂPTA ESTE I MANMAPROPONE NA AREKLAMENTO YAN REGULASION SIHA: I Sangkattan Na Islan Marianas Siha Fondon Ritiru ("NMIRF"), Commonwealth gi Sangkattan na Islan Marianas siha, ha intensiona para u adapta komu petmanente na areklamento yan regulasion siha ni mañechetton gi Manmapropone na Amendasion siha para i Administrative na Areklamento yan Regulasion siha ni Ginebebietna i Sangkattan na Islan Marianas siha, sigun gi manera siha gi Åkton Administrative Procedure, 1 CMC § 9104(a). I Areklamento yan Regulasion siha para u efektibu gi halom dies(10) diha siha despues di adaptasion yan pupblikasion gi halom i Rehistran Commonwealth. (1 CMC § 9105(b)).

ÅTURIDÅT: I Lehislatura ha na'i fuetsa i Kuetpon i Trustee siha para u adapta i areklamento yan regulasion siha para i atministrasion yan dinimandan i estatua ni ginebebietna i aktibidat-ña siha. 1 CMC § 8315(f). Atan lokkue' i Otden Eksakatibu 94-3 (efektibu gi Agostu 23, 1994, mata'lon otganisa i råmas Eksakatibu).

I SUSTANSIAN I PALABRA SIHA: I Areklamento yan Regulasion siha mana'guaha giniha siha para i Kuetpo para u maneha i gobietnamenton gi Prugråman Ritiru, parehu ha' para u pribeniyi i emple'ao gobietnamento yan i ritirao siha infotmasion gi taimanu i fungksion i Prugråma siha.

*Itmås, i sigiente na sitasion, estatua yan regulasion siha maninafekta ginen este i manmapropone na amendasion siha: Påtte 4, Seksiona 4.05 yan 4.06, codified gi NMIAC §§ 110-10-220 yan 110-10-225, konrespetu; Påtte 7, Seksiona 7.03, codified gi NMIAC § 110-10-510; Lain Pupbliku 13-60; Lain Pupbliku 16-19; yan i Areklamento yan Regulasion siha komu mapupblika gi halom i Rehistran Commonwealth, Baluma 27, Numiru 9, mafecha gi Oktubri 24, 2005, yan gi Baluma 27, Nu.11, mafecha gi Disembre 30, 2005, yan ma'adapta komu mapupblika gi Baluma 28, Nu. 3, mafecha gi Måtso

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30, 2006 (umefektibu gi Abrit 9, 2006); yan komu ma'amenda gi Baluma 30, Nu. 5, mafecha gi Måyu 27, 2008, yan ma'adåpta komu mapupblika gi Baluma 30, Nu. 6, mafecha gi Huniu 27, 2008 (efektibu gi Huliu 7, 2008); Baluma 30, Nu. 7, mafecha gi Huliu 28, 2008, yan komu ma'adåpta komu mapupblika gi halom i Baluma 30, Nu. 10, ya mafecha gi Oktubri 25, 2008, (umefektibu gi Nubembre 4, 2008); yan itmås ma'amenda gi Baluma 30, Nu. 12, ya mafecha gi Disembre 22, 2008, yan ma'adåpta komu mapupblika gi Baluma 31, Nu. 2, ya mafecha gi Fibreru 29, 2009 (umefektibu gi Måtso 7, 2009).

I SUHETO NI MASUMARIA YAN ASUNTO NI TINEKKA: Este na areklamento yan regulasion siha:

1. Para u maklarifika i a'annok na aplikasion i non-occupational disability benefits; applicability of potential unfunded liabilities pending Court decision; yan i administrative decision-making process..

DIREKSION PARA U MAPO'LU YAN MAPUPBLIKA: Este i Manmapropone na Areklamento yan Regulasion siha debi na u mapupblika gi halom i Rehistran Commonwealth gi halom i seksiona ni mapropone yan nuebu na ma'adaptan regulasion siha (1 CMC § 9102(a)(1) yan mapega gi kombiniente siha na lugat gi halom i civic center yan gi ofisinan gobietnamento siha gi kada distriton senadot, parehu English yan i lengguahen natibu. (1 CMC § 9104(a)(1)).

PARA U MAPRIBENIYI OPIÑON SIHA: Na'hånao pat sino entrega i opiñon-mu para si Mark A. Aguon, Atministradot, Attn: Manmapropone na Amendasion siha para i Administrative na Areklamento yan Regulasion siha ni Ginebebietna i Fondo Ritiru gi Sangkattan na Islan Marianas siha, gi sanhilo' na address, fax, pat email address, yan i råyan suheto "Manmaproponen Amendasion siha para i Areklamento yan Regulasion siha ni ginebebietna i Fondon Ritiru gi Sangkattan na Islan Marianas siha". Todu opiñon debi na u fanhålom trenta(30) diha siha ginen i fechan pupblikasion este na notisia. Pot fabot na'hålom infotmasion, opiñon, pat testamoñon kinentra siha. (1 CMC § 9104(a)(2)).

Este i manmapropone na Areklamento yan Regulasion siha manma'apreba yan ma'dapta ginen i Kuetpon Trustee gi Sept. 2009.

Nina'hålom as:

MARK A. AĞUON)
Atministradot, NMIRF/GHLITF

Fecha

Rinisibi as:	Often	10/29/07
	ESTHER S. FLEMING	Fecha
	Espesiåt Na Ayudånten Para I Atr	ninistrasion Gubietno
Pine'lu yan	1.	
Rinikot as:	miles	10.29.09
	ESTHER M. SAN NICOLAS	Fecha
	Rehistran Commonwealth	

Sigun i 1 CMC § 2153(e) (Inapreban i Abugådu Heneråt gi regulasion siha ni para u macho'gue komu fotma) yan 1 CMC § 9104(a)(3) hentan inapreban Abugådu Heneråt) i Manmaproponen Areklamento yan Regulasion siha ni mañechetton guini manmaribisa yan manma'apreba komu para fotma yan ligåt sufisiente ginen i CNMI Abugådu Heneråt yan debi u mapupblika, 1 CMC § 2153(f) (pupblikasion areklamento yan regulasion siha).

Mafecha este gi diha 29 gi 09., 2009.

EDWARD T. BUCKINGHAM

Abugådu Heneråt

TÉÉL FALÚW KKA EFANG MARIANAS RETIREMENT FUND MELLÓL COMMONWEALTH NMI

Mark A. Aguon, Administrator

1st Floor, Honorable Lorenzo I. Deleon Guerrero Retirement Fund Building Isa Drive, Captial Hill

P.O.Box 501247 CK, Saipan, MP 96950-1247

Tel. No. (670) 664-8080; E-MAIL: adminstrator 01@nmiretirement.com

ARONGOL TOULAP REEL POMWOL ALLÉGH KKA EBWE SSIWEL

REEL AMMWELIL ME ALLÉGHÚL ADMINISTRATIVE REEL AWEWEEL RETIREMENT FUND

MELLÓL TÉÉL FALÚW KKA EFANG MARIANAS

AGHIYÁGHIL FILLÓÓL POMWOL ALLÉGH KKAAL: Retirement Fund (NMIRF) Téél Falúw kka Efang Marianas, ebwe fillooy ammwel me allégh kkaal bwe ebwe allégh ffóscholó pomwol ssiiwel kka e appasch reel alléghul Administrative kka e lemili Téél Falúw Kka Marianas, sángi Allégh ye 1 CMC § 9104(a). Allégh kkaal ebwe kkamalló llól 10 rál mwiril yaal filló me akkatewow mellól Commonwealth Register. (1 CMC § 9105(b)).

BWÁNGIL: Mwiischil Board of Trustees eyoor bwángil sángi Sów Fféérúl Allégh bwe ebwe fillooy allégh kka e fil ngáli bwulasiyo me ammwelil lemelemil mwóghut kkaal. 1 CMC § 8315(f). Bwal amweri Executive Order 94-3 (e kkamalló August 23, 1994, ammwel sefáálil Executive branch).

KKEPASAL ME AWEEWE: Allégh kkaal e ayoora ammataf ngáli Mwiischil Board of Directors bwelle rebwe lemeli ammwelil government Retirement Program me bwal ayoora ngáliir ammataf schóól angaang me schóókka raa retired reel mwóghutul progróóma.

Allégh me ammwel kka e táttáletiw nge e fillong reel pomwol ssiiwel kkaal; Peigh 4, tálil 4.05 me 4.06, aa allégh me NMIAC 110-10-220 me 110-1—225, Peigh 7, talil 7.03, aa allégh me NMIAC 110-10-510; Alléghúl Toulap 13-60; 16-19 me allégh kka aa akkatewow mellól Commonwealth Reghister, volume 27, No. 9 rállil Oct. 24, 2005, mellól volume 27, No. 11 rállil December. 30, 2005, me aa filló mellól volume 28, No.3 rállil March. 30, 2006 (e kkamalló April 9, 2006); me igha aa ssiiwel mellól volume 30, No. 5 rállil May 27, 2008, me fillool me akkatewow llól volume 30, No. 6, rállil June 27, 2008 (e kkamalló July 7, 2008); Volume 30, No. 7, rállil July 28, 2008, me fillool me akkatewow llól volume 30, No. 10, rállil October 25, 2008 (e kkamalló Nov. 4, 2008, me aa ssiiwel llól volume 30, No.12, rállil December 22, 2008, me fillool me akkatewow llól volume 31 No. 2 rállil February 29,2009, (e kkamalló March. 7, 2009.

ÓUTOL ME KKEPASAL: Allégh kkaal nge:

1. Afatawow aweweel application of non-occupational disability benefits kka ighila; aweweel potential liabilities kka unfunded reel yaal kkotti aweewe; me mwóghutul alléghúl administrative.

AFALAFAL ME AKKATÉÉL: Afanga máfiyómw ngáli Mark A. Aguon, Administrator, Attn: Proposed Amendments to the Administrative Rules and Regulations Governing the Northern Mariana Islands Retirement Fund, reel address, fax ngáre email address fengál me subject line ye "Proposed Amendments to Rules and Regulations Governing the Member Home Loan Program". Máfiyámi ebwe toolong llól 30 rál sángi yaal fillo Arong yeel. Ów isisilong yáámi aghiyegh, máfiyámi me ngáre pomwol ssiiwel. (1 CMC § 9104(a)(2)).

Allégh kkaal ebwe alléghúl me fillool sángiir Board of Trustees wóól <u>Sept. 22 HD</u>, 2009.

Isáliyallong:

MARK A. AGUON

Rál

Samwoolul , NMIRF/GHLITF

Mwir Sángi:

ESTHER S. FLEMING

Rál

Sów Aliilisil Sów Lemelem

Ammwel Sángi:

ESTHER M. SAN NICOLAS

Commonwealth Register

Sángi allégh ye 1 CMC § 2153(e) (Alúghúlúgh mereel Sów Bwángil Allégh Lapalap igha ebwe akkatééló) me 1 CMC §9104(a)(3) (sángi alúghúlúghúl AG) pomwol allégh kkaal aa takkal ammwel fischiló mereel Sów Bwungul Allégh Lapalap me ebwe akkatééló, 1 CMC § 2153(f) (akkatéél allégh kkaal).

Ráálil ye 29 llól maramal Oct. 2009.

EDWARD T. BUCKINGHAM

Sów Bwungul Allégh Lapalap

PROPOSED AMENDMENTS TO THE ADMINISTRATIVE RULES AND REGULATIONS GOVERNING THE NORTHERN MARIANA ISLANDS RETIREMENT FUND

Amendments to PART 4 - Benefits: Section 4.05 and 4.06 [Codified as NMIAC §§ 110-10-220 and 110-10-225, respectively]:

- 4.05. Disability Benefits. [See Disability Policy and Procedures] [NMIAC § 110-10-220]
 - A. Any member who becomes disabled from an occupational cause and qualifies for disability benefits will have his or her benefits computed at 50 percent of the salary earned at the time the disability was incurred, except that a person who is found by the Board to be disabled shall receive the amount of salary applicable according to the law in place at the time the Board finds the disability. Provided however, that any disabled Class I member, who is otherwise eligible to retire on a normal or service retirement, shall not receive a retirement annuity but rather shall receive disability benefits in an amount no greater than the retirement annuity to which they would have been otherwise entitled. [NMIAC § 110-10-220(a)]
 - B. If the disability continues until the member reaches 62 years of age or if the disability commences after the member reaches age 62 years of age, the benefits shall be based on the normal retirement for Class I members or the greater of the normal retirement or disability benefits for Class II members. (1 CMC §8345(b)) [NMIAC § 110-10-220(b)]
 - C. A member applying for non-occupational disability benefits (<u>active</u> members totally and permanently disabled while off-duty) must meet the following additional requirements:
 - A person who became a member before December 5, 2003 (the effective date of Public Law 13-60), and did not refund contributions must have at least eighteen (18) months of membership service. [NMIAC § 110-10-220(c)(1)]
 - 2. A person who became a member on or after December 5, 2003 (the effective date of Public Law 13-60), including those persons who were refunded contributions and who subsequently became re-employed with the CNMI Government on or after the effective date of Public Law 13-60 must have at least five (5) years of membership service. [NMIAC § 110-10-220(c)(2)]
 - D. Investigation, Records, and Other Information. [NMIAC § 110-10-220(d)]
 - 1. In accordance with 1 CMC §8347, the Administrator shall have the right to investigate the member's disability and submit any information gathered from an investigation to a licensed physician or a specialist to determine a member's initial or continuing entitlement to a disability annuity. [NMIAC § 110-10-220(d)(1)]

- 2. The member shall be required to undergo reasonable examination by two licensed and practicing physicians selected by the Board, at least one of whom is a specialist in the area of the disability being examined. [NMIAC § 110-10-220(d)(2)]
- 3. The member shall be required to provide medical records, other medical information, employment information, financial information and any other information reasonably requested by the Administrator. [NMIAC § 110-10-220(d)(3)]
- 4. The member, any current employer, and any former employer is required to provide the job description, job duties, essential functions, job site conditions, possible accommodation, payroll records, attendance records, return-to-work information, and any other employment related information reasonably requested by the Administrator. [NMIAC § 110-10-220(d)(4)]
- E. If any examination indicates that the disability annuitant is no longer physically or mentally incapacitated for service, or that the disability annuitant is engaged in or is able to engage in a gainful occupation, payment of the disability annuity by the Fund shall be discontinued. [NMIAC § 110-10-220(e)]
- F. If the Administrator determines that the disability annuitant received any amount from the United States Social Security system, any worker's compensation insurance program, or any insurance or other program covering the annuitant's disability, the Administrator shall reduce the amount of the disability annuity by an amount equal to any sum the annuitant is entitled to from any other disability program. [NMIAC § 110-10-220(f)]
 - 1. In order to substantiate that the disability annuitant did not receive any amount from other disability programs, the member must submit, within thirty (30) days of the annual Commonwealth or federal deadline (or applicable extended deadline) for filing tax returns, a certified copy of his or her latest income tax returns, including W-2 forms, schedules and other supporting documents. [NMIAC § 110-10-220(f)(1)]
- G. Failure to undergo a reasonable examination or re-examination, failure to cooperate with the examiner or the Administrator, or failure to provide any requested information under this section 4.05 may cause the application to be cancelled and any payment, if started, to cease. [NMIAC § 110-10-220(g)]

- 4.06. Service Credit and Other Benefits for Certain Government Officials. [NMIAC § 110-10-225]
 - A. Subject to any consequent amendment, repeal, Court ruling, or interpretation of the Common law, any person who served the CNMI Government as Governor, Lieutenant Governor, Judge of the Commonwealth Government, Mayor, Member of the Legislature, or Resident Representative to the United States, may shall receive an additional three percent times average annual salary times years of service in such capacity, provided any such unfunded benefit is deemed to have "vested" by a Court of competent jurisdiction, and/or is otherwise found payable according to law. Subject to the preceding provision, the 3% bonus is available under the following terms and conditions: [NMIAC § 110-10-225(a)]
 - 1. The person became a member before December 5, 2003 (the effective date of Public Law 13-60), and [NMIAC § 110-10-225(a)(1)]
 - 2. The person did not refund his or her contributions. [NMIAC § 110-10-225(a)(2)]
 - The recomputation may be performed at the time of retirement and 3. will increase the benefit by 3% per year for every year served in such capacity. The additional benefit shall be effective on May 7, 1989 (the effective date of Public Law 6-17), but shall not be retroactive to the date of retirement, if earlier than May 7, 1989. [NMIAC § 110-10-225(a)(3)]
 - Such additional credit may not increase the annuity payable to more than 100 percent of the highest annual salary received. [NMIAC § 110-10-225(a)(4)]
 - B. The same benefits shall accrue to former members of the Marianas District Legislature whose service was rendered prior to January 8, 1978; provided, however that these benefits shall not be retroactive but be computed forward from January 19, 1990; and [NMIAC § 110-10-225(b)]
 - 4-A person who served as a member of the Marianas District Legislature before April 1, 1975 may be credited 60 calendar day per year of service. [NMIAC § 110-10-225(b)(1)]
 - A person who served as a member of the Marianas District Legislature on or after April 1, 1975 may receive credit for full-time employment. [NMIAC § 110-10-225(b)(2)]
 - C. Only those persons who served as a member of a board or commission ten years before December 5, 2003 (the effective date of for at least Public Law 13-60) and did not refund contributions are eligible to receive an annuity pursuant to former 1 CMC § 8341(f), provided any such

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unfunded benefit is deemed to have "vested" by a Court of competent iurisdiction, and/or is otherwise found payable according to law. [NMIAC § 110-10-225(c)]

Amendments to PART 7 - Appeals: Section 7.03 [Codified as NMIAC §§ 110-10-5101:

7.03. Hearing on Appeal. [NMIAC § 110-10-510]

- A. After reviewing the notice of appeal, the Board may then, at its discretion, in accordance with 1 CMC Section 9109, either: (1) preside at the taking of evidence; or (2) appoint a hearing officer to preside at the taking of the evidence. No hearing officer will be appointed where the aggrieved party in its notice of appeal does not dispute any factual findings of the Administrator, or raise any new factual issues. [NMIAC § 110-10-510(a)]
- B. In accordance with 1 CMC Section 9110, if a hearing officer is appointed, the hearing officer shall initially decide only issue a recommended decision in the case in accordance with the procedures outlined in 1 CMC Section 9109. The initial recommended decision of the Hearing Officer shall be promptly served on the Board of Trustees. [NMIAC § 110-10-510(b)]
- C. In accordance with 1 CMC Section 9110, if the Board presides at the initial hearing, the Board shall decide the case in accordance with the procedures outlined in 1 CMC Section 9109. Any further appeal of the Board's decision shall be made to the Commonwealth Superior Court in accordance with 1 CMC Section 9112(b). [NMIAC § 110-10-510(c)]
- D. For purposes of all administrative proceedings and appeals under this Part, service shall be accomplished by any reasonable means including personal service, registered mail and publication. [NMIAC § 110-10-510(d)]