

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



COMMONWEALTH REGISTER

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VOLUME 45 NUMBER 04 April 28, 2023

ADOPTION

Public Notice of Certification and Adoption of Regulations
Department of Community and Cultural Affairs 049642

Public Notice of Certification and Adoption of Regulations
Department of Lands and Natural Resources 049644

PROPOSED

Notice of Proposed Amendments to the Licensing Regulations
for Real Property Appraisers
Board of Professional Licensing 049647

Notice of Proposed Amendments to the Licensing Regulations
for Clinical Psychology Associate
Health Care Professions Licensing Board 049688

Notice of Proposed Amendments to the Licensing Regulations
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and Dental Assistants
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DOL/PUA/CAC ORDERS

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Subject: Administrative Order
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Subject: Order of Dismissal
In the Matter of: Christopher R. Lilles v. Micronesia Resort Inc.
Department of Labor **049758**



Commonwealth of the Northern Mariana Islands
Department of Community and Cultural Affairs

Mary M.S. Sablan, Secretary
P.O. Box 10007
Capitol Hill, Saipan, MP 96950
Tel: 670-664-2587/670-664-2591

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION
OF REGULATIONS OF
The Department of Community and Cultural Affairs,
Child Care and Development Fund Program**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS
Volume 45, Number 2, pp 049481-049516, of February 28, 2023

**Regulations of the Department of Community and Cultural Affairs Chapter 55-60 Child
Care and Development Fund Program.**

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Community and Cultural Affairs ("DCCA"), HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The DCCA announced that it intended to adopt them as permanent, and now does so. (Id) A true copy is attached. 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.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: "NONE". I further request and direct that this Notice be published in the Commonwealth Register.

AUTHORITY: The DCCA is required by the Legislature to adopt rules and regulations regarding those matters over which the DCCA has jurisdiction, including its regulation of the Child Care and Development Fund (CCDF) Program.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC sec. 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 there are any, in response to filed

comments.

The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 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 11th day of April, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



Mary M. S. Sablan

Secretary, Department of Community and Cultural Affairs

04/14/2023

Date

Filed and
Recorded by:



ESTHER R.M. SAN NICOLAS
Commonwealth Registrar

04.17.2023

Date



Commonwealth of the Northern Mariana Islands
Department of Lands and Natural Resources

Sylvan O. Igisomar
Lower Base, Caller Box 10007
Saipan, MP 96950
Tel: 670-322-9834 Fax: 670-322-2633



**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION
OF REGULATIONS OF
The Department of Lands & Natural Resources**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS
Volume 44, Number 10, pp 049091-049097, of October 28, 2022

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Lands & Natural Resources ("DLNR"), HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The DLNR 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.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None. I further request and direct that this Notice be published in the Commonwealth Register.

AUTHORITY: The Department has the authority to adopt rules and regulations in furtherance of its duties and responsibilities pursuant to 1 CMC § 2654

EFFECTIVE DATE: These regulations were proposed on October 28, 2022 and are hereby being adopted as Permanent Regulations of the Department of Lands and Natural Resources pursuant to 1 CMC §9102and §9104 (a) or (b), which, in this instance, is thirty (30) days after 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.

The adopted regulations were approved for promulgation by the Attorney General in the

above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153€ (To review and approve, as to form and legal sufficiency, al rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including pubic 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 _____ day of April, 2023, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



SYLVAN O. IGISOMAR
Secretary, Department of Lands and Natural Resources

4/10/23

Date

Filed and
Recorded by:



ESTHER R.M. SAN NICOLAS
Commonwealth Registrar

04.17-2023

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 certified final regulations, modified as indicated above from the cited proposed regulations, 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 the 10 day of April, 2023.



EDWARD MANIBUSAN
Attorney General

The purpose of the regulations in this subchapter is to establish rates and standards for use of farm equipment operates and maintained by the Division of ~~Plant Industry~~ Agriculture, through its Farm Equipment Services. This equipment is rented to CNMI farmers to promote and develop local agriculture.

Part 100 – Equipment Rental and Rates

85-60.1-101 Equipment Rental Rates

The Department of Natural Resources, Division of ~~Plant Industry~~ Agriculture, may provide a farm equipment service to CNMI farmers for agricultural purposes. The equipment rates shall be as follows:

Item	Old Rates	Proposed Rates
(a) Caterpillar D-6 bulldozer or equivalent	\$15.00/hr.	
(b) John Deere 4250 tractor or equivalent	\$12.00/hr.	
(c) Ford 6610 tractor or equivalent	\$8.00/hr.	
(d) Ford 4610 tractor or equivalent	\$8.00/hr.	
(a) Wood Chipper		\$40.00/hr.
(b) Wood Splitter		\$25.00/hr.
(c) John Deere 6045 tractor or equivalent		\$25.00/hr.
(d) John Deere 4525 tractor or equivalent		\$20.00/hr.
(e) Trailer for Bull		\$15.00/day
(f) Trailer for Swine		\$15.00/day
(g) Hand Held Tiller		\$5.00/hr.

85-60.105 Hours of Service

Each individual farmer shall receive no more than ~~30~~ 24 hours of ~~bulldozer~~ hand held tiller service per application.

Equipment services will be performed only on the island of Saipan.



Commonwealth of the Northern Mariana Islands
BOARD OF PROFESSIONAL LICENSING
P.O. Box 502078, Bldg. 1242, Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670) 664-4808/09 - Fax: (670) 664-4814
Email: info@cnmilicensing.gov.mp
Website: www.cnmilicensing.gov.mp



**NOTICE OF PROPOSED AMENDMENTS TO THE
BOARD OF PROFESSIONAL LICENSING REGULATIONS FOR
REAL PROPERTY APPRAISERS**

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Board of Professional Licensing (BPL) intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The regulations would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC § 9105(b)).

These Regulations shall repeal and replace the prior Regulations published at Volume 37, No. 05, page 36538 on May 28, 2015, of the Commonwealth Register. These Regulations shall be codified at Title 125-40

AUTHORITY: The Board of Professional Licensing has statutory power to promulgate and effect regulations pursuant to P.L. 14-95, as amended. 4 CMC § 3106 grants the Board the power to adopt regulations, rules of procedures and rules of professional conduct consistent with the act.

THE TERMS AND SUBSTANCE: The Board wants to amend the regulations to update and meet the minimum requirements set forth by the Appraiser Qualifications Board (AQB) and comply with applicable federal law, specifically the Financial Institutions Reform, Recovery and Enforcement Act of 1989 and federal institutions to protect the interests of landowners, financial institutions, appraisers, and other interested persons in the CNMI.

THE SUBJECTS AND ISSUES INVOLVED: Update current regulations to meet the minimum requirements set forth by the Appraiser Qualifications Board (AQB) adoption of the Real Property Appraiser Qualification Criteria (RPQC) which went into effect January 1, 2021.

DIRECTIONS FOR FILING AND PUBLICATION: The Board is soliciting comments regarding these proposed amendments which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed amendments by contacting us at 664-4808/09 or by email at info@cnmilicensing.gov.mp or come by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be dropped off at our office or sent to the BPL, P.O. Box 502078, Saipan, MP, 96950.

Submitted By: 
Esther S. Fleming
Executive Director

4/28/23
Date

Received By: 
Oscar M. Babauta
Special Assistant for Administration

4/28/2023
Date

Filed and Recorded By: 
Esther San Nicolas
Commonwealth Register 

4.28.23
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 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).


EDWARD MANIBUSAN
Attorney General

4/28/2023
Date



Commonwealth gi Sankattan na Islas Mariãnas
BOARD OF PROFESSIONAL LICENSING
P.O. Box 502078, Bldg. 1242, Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670) 664-4808/09 - Fax: (670) 664-4814
Email: info@cnmilicensing.gov.mp
Website: www.cnmilicensing.gov.mp



NUTISIA PUT I MANMAPROPONI NA AMENDA SIHA NA REGULASION GI BOARD OF PROFESSIONAL LICENSING PARA I REAL PROPERTY APPRAISERS

I AKSION NI MA'INTENSIONA PARA U MA'ADAPTA ESTI I MANMAPROPONI NA REGULASION SIHA: I Kuetpun “Professional Licensing” (BPL) ha intensiona para u adapta komu petmanienti na regulasion siha i mañechettun na Manmaproponi na Regulasion siha, sigun gi manera siha gi Äkton i Administrative Procedure, I CMC § 9104(a). I Regulasion siha para u ifektibu gi dies (10) dihas dispues di “compliance” yan i I CMC §§ 9102 yan i 9104 (a) pat i (b) (I CMC § 9105 (b)).

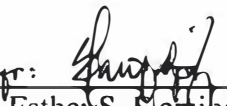
Esti na Regulasion siha siempri madiroga yan matulaika i halatcha na Regulasion siha ni mapupblika gi Baluma 37, No. 05, Pâhina 36538 gi Mâyü 28, 2015, nu i Rehistran Commonwealth. Esti na Regulasion siha para u arekla sigun gi Titulu 125-40.

ATURIDÂT: I Board of Professional Licensing gai istatua na âturidât para u macho'gui yan na'ifektibu i regulasion siha sigun gi P.L. 14-95, komu ma'amenda. 4 CMC § 3106 nina'i i Kuetpu i âturidât para u adapta i regulasion, i areklamentu nu manera yan areklamentun professionât kundukta kunsisti yan i âkto.

I TEMA YAN SUSTÂNSIANI PALÂBRA SIHA: I Kuetpu malagu' para u amenda i regulasion siha para u na'mâs nuebu yan para u takka' i chi' dinimânda siha ni mapega mo'na ni i Appraiser Qualifications Board (AQB) yan tâttiya i aplikâpbli na lai fedirât, ispisiâtmenti i Financial Institutions Reforms, Recovery and Enforcement Act nu 1989 yan institusion fedirât para u prutehi i intires i dueñun i tanu' siha, institusion fainansiât, appraisers, yan ottru manintires na petsona siha gi halum iya CNMI.

SUHETU YAN ASUNTU NI TINEKKA: Na'mâs nuebu i prisenti na regulasion siha para u matakka' i chi' dinimânda siha ni mapega mo'na ni i Appraiser Qualifications Board (AQB) adaptasion nu i Real Property Appraiser Qualification Criteria (RRPQC) ni umifektibu gi Ineru 1, 2021.

DIREKSIÓN PARA U MAPEGA YAN PUPBLIKASIÓN: I Kuetpu mamamaisin upiñon siha put esti i manmaproponi na amenda ni debi di u marisibi ni i Kuetpu gi hâlum i trenta (30) dihas nu i fine'na na pupublikasion esti na nutisia gi hâlum i Rehistran Commonwealth. I intirisâo na petsona siha siñã marikuesta kopian i manmaproponi na amenda. Ägang ham gi 664-4808/09 pat email gi info@cnmilicensing.gov.mp osino bisita i ufisinan-mâmi ni gaigi gi Bldg. 1242, Pohnpei Ct., Capito Hill, Saipan. I tinigi' upiñon siha put esti na amenda siha debi na u machuli' guatu gi ufisinan-mâmi pat na'hãno para i BPL, P. O. Box 502078, Saipan, MP 96950.

Nina'hålum as: 
Esther S. Fleming
Eksakatibun Direktot

4/28/23
Fetcha

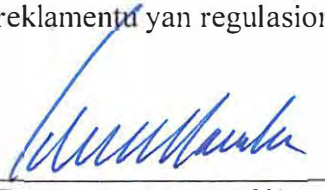
Rinisibi as: 
Oscar M. Babauta
Ispisiât na Ayudânti para i Atministrasion

4/28/23
Fetcha

Pine'lu yan Ninota as: 
Esther San Nicolas
Rehistran Commonwealth

4.28.23
Fetcha

Sigun i 1 CMC § 2153(e) (I Abugâdu Henerât ha aprueba i regulasion siha na para u macho'gui kumu fotma) yan 1 CMC § 9104(a) (3) (hentan inaprueban Abugâdu Henerât) i manmaproponi na Regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligât ginin i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153(f) (pupublikasion i areklamentu yan regulasion siha).


EDWARD MANIBUSAN
Abugâdu Hinirât

4/28/2023
Fetcha



Commonwealth Téel Falúw kka Efáng Ilól Marianas
BOARD OF PROFESSIONAL LICENSING
P.O. Box 502078, Bldg. 1242, Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670) 664-4808/09 - Fax: (670) 664-4814
Email: info@cnmilicensing.gov.mp
Website: www.cnmilicensing.gov.mp



**ARONGORONGOL TOULAP REEL PPWOMMWOL LIIWEL NGÁLI
MWÓGHUTUGHUTÚL BOARD OF PROFESSIONAL LICENSING
NGÁLI REAL PROPERTY APPRAISERS**

MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI PPWOMMWOL MWÓGHUTUGHUT KKAAL: Boardil Professional Licensing (BPL) re mángemángil rebwe adóptááli mwóghutughut ikka e appasch bwe Ppwommwol Mwóghutughut reel ebwe lléghló, sáangi mwóghutughutúl Administrative Procedures Act, 1 CMC § 9104(a). Ebwe bwunguló mwóghutughut kkaal seigh ráál (10) mwiril aal angíúngú fengál me 1 CMC §§ 9102 me 9104(a) ngare (b) (1 CMC § 9105(b)).

Mwóghutughut kkaal ebwe siiweli Mwóghutughut kkewe aa akkatééwow me Volume 37, No. 05, peigh 36538 wóól Ghúúw 28, 2015, reel Commonwealth Register. Aa ittitiw Mwóghutughut kkaal me Title 125-40

BWÁNGIL: E yoor bwángil Board-il Professional Licensing reel rebwe aronga me isiisiwow mwóghut sáangi Alléghúl Toulap 14-95, igha aa liiwel. 4 CMC § 3106 e ayoorai bwángil Board reel rebwe adóptááli mwóghutughut, alléghúl mwóghutughut me alléghúl iye e weewe ngáli angaang iye e ghatch ngáli mwóghut.

KKAPASAL ME WEEWEEEL: Board re tipáli rebwe liiweli mwóghutughut ebwe ffé me e schuu me tingór sáangi Appraiser Qualifications Board (AQB) me ffil me angúúngú fengál me alléghúl federal, e ffat bwe mille Financial Institutions Reform, Recovery and Enforcement Act of 1989 me institutions ikka e lo bwe federal ikka e leghileghiiy tipeer landowners, financial institutions, appraisers, me akkááw aramas ikka re tip me llól CNMI.

KKAPASAL ME AUTOL: Mwóghutughut ikka e lo me re fféerú sefááliy e schuu me aar tingór iye e tooto mereel Appraiser Qualifications Boards (AQB) adóptaal mille Real Property Appraiser Qualifications Criteria(RPQC) iye aa yoor mwóghutughutúl e bwunguló wóól Schoow 1, 2021.

AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Board re tingór kkapas ikka e súllúngáli ppommwol liiwel kkal re bwughi sáangi Board llól eliigh (30) ráál mwiril aal ghommwal akkatééwow me llól Commonwealth Register. Schóó kka re tipáli rebwebweibwogh pappidil ppommwol liiwel kkaal rebwe faingi ghámem me 664-4808-09 ngáre email me info@cnmilicensing.gov.mp ngáre mweteló bwulasiyo iye e lo Bldg. 1242, Pohnpei Ct., Asúngúl, Seipél. Ischil kkapas wóól liiwel kkaal ebwe isiisiló bwulasiyo ngáre afanga ngáli BPL, P.O. Box 502078, Saipan, MP, 96950.

Isáliyalong: 
Esther S. Fleming
Executive Director

4/28/23
Ráál

Bwughiyal: 
Oscar M. Babauta
Special Assistant ngáli Administration

4/28/23
Ráál

Ammwelil: 
Esther San Nicolas
Commonwealth Register 

4.28.23
Ráál

Sángi 1 CMC § 2153(e) (sángi átirowal AG reel mwóghutughut bwe aa lléghló reel fféerúl) me 1 CMC § 9104(a) (3) (sángi átirowal AG) reel ppwommwol mwóghutughut ikka e appasch bwe ra takkal amwuri físchiiy me aa lléghló reel fféerúl me legal sufficiency sángi Soulemelemil Allégh Lapalapal CNMI **me ebwe akkatééwow**, 1 CMC § 2153(f) (akkatééwowul allégh me **mwóghutughut**).


EDWARD MANIBUSAN
Soulemelemil Allégh Lapalap

4/28/2023
Ráál

**REGULATIONS OF THE
BOARD OF PROFESSIONAL LICENSING FOR
REAL PROPERTY APPRAISER**
(Adopted Regs as of 06/08/15)

PART ~~1~~ 001 GENERAL PROVISIONS

~~1.1~~ **§ 125-40-001 Purpose.** The purpose of these regulations is to comply with applicable federal law, specifically the Financial Institutions Reform, Recovery and Enforcement Act of 1989, and federal institutions, as well as to protect the interests of landowners, financial institutions, appraisers, and other interested persons in the Commonwealth of the Northern Mariana Islands (hereafter "CNMI or NMI").

~~1.2~~ **§ 125-40-005 Intent and Effect.** The receipt of a license from the CNMI Board of Professional Licensing does not permit a person to engage in business in the CNMI until such person has complied with ~~any and~~ all applicable laws, rules and regulations and secured all necessary licenses and permits for conducting business in the CNMI. It is the intent of these regulations to ensure high standards of professional competence for real property appraisers in the CNMI and to comply with applicable federal statutes and regulations.

~~Due to scarcity of qualified persons in the CNMI, it~~ It is the intent of these regulations to establish two classes of approved real property appraisers:

<u>Non-Federally Related Transactions</u>	<u>Federally Related Transactions</u>
Licensed Real Property Appraiser, Non-Federally Related Transactions	Licensed Real Property Appraiser
Licensed General Real Property Appraiser Non-Federally Related Transactions	Certified Residential Real Property Appraiser Certified General Real Property Appraiser

The first class of appraisers will qualify to do appraisals in non-federally related real property transactions and will not qualify under federal law and these regulations to perform federally related real property transactions.

The second class of real property appraisers will qualify to perform appraisals in both federally related and non-federally related real property transactions, the difference between licensed and certified status being further defined.

~~1.3~~ **§ 125-40-010 Authority.** The CNMI Board of Professional Licensing (hereafter "Board") has the authority to regulate real property appraisers pursuant to 4 CMC 3101 *et seq.*, including 4 CMC 3108.

PART ~~II~~ § 125-40-015 DEFINITIONS

~~2.1~~ **(a) "Appraisal Foundation".** The Appraisal Foundation ~~was~~ established on November 30, 1987, as a non-for-profit corporation under the laws of Illinois. The Foundation is charged by Title XI with the responsibility of establishing, improving, and promoting minimum uniform appraisal standards and appraiser qualifications criteria.

~~2.2~~ **(b) "Appraisal Qualifications Board".** An independent board appointed by the Appraisal Foundation to establish criteria for licensing of appraisers.

~~2.3~~ **(c) "Appraiser or Real Property Appraiser".** A CNMI Licensed Residential Real Property Appraiser or

a CNMI Licensed General Real Property Appraiser for non-federally related transactions; or a CNMI Licensed Real Property Appraiser, a Certified Residential Real Property Appraiser, or a Certified General Real Property Appraiser for federally related transactions, licensed or certified to engage in the practice of real property appraisal as hereinafter defined.

- 2.4 (d) "Appraisal".** The act or process of developing an opinion of value.
- 2.5 (e) "Appraisal Assignment".** One or more real estate appraisals and written appraisal reports which are covered by a single contract to provide an appraisal.
- 2.6 (f) "Appraisal Consulting".** The act or process of developing an analysis, recommendation, or opinion to solve a problem, where an opinion of value is a component of the analysis leading to the assignment results.
- 2.7 (g) "Appraisal Practice".** Valuation services performed by an appraiser, including but not limited to appraisal, appraisal review, or appraisal consulting.
- 2.8 (h) "Appraisal Review".** The act or process of developing and communicating an opinion about the quality of another appraiser's work.
- 2.9 (i) "Appraisal Subcommittee".** The Appraisal subcommittee of the Federal Financial Institutions Examination Council (FFIEC) was created on August 9, 1989, pursuant to Title XI to oversee the real estate appraisal process as it relates to federally related transactions and monitors the requirements established by each state or territory's appraiser regulatory agency for the licensing and certification of appraisers.
- 2.10 (j) "Appraiser Trainee".** A person who has been issued a license to practice as a real property appraiser trainee in the Commonwealth of the Northern Mariana Islands and has been under a supervision of a CNMI Licensed Real Property Appraiser, Certified Residential Real Property Appraiser, or a Certified General Real Property Appraiser.
- 2.11 (k) "Certified Appraiser".** A CNMI Certified Residential or General Real Property Appraiser for federally related transactions.
- 2.12 (l) "Class Hour".** Sixty (60) minutes, of which at least fifty (50) minutes are instruction attended by the student. The prescribed number of class hours includes time devoted to examinations.
- 2.13 (m) "Complex One-To-Four Family Residential Property Appraisal".** One in which the property to be appraised, form of ownership, or market conditions is atypical, and which have a significant value contribution. For example, unusual factors may include but are not limited to:
- (a) (1) Architectural style;
 - (b) (2) Age of improvements;
 - (c) (3) Size of improvements;
 - (d) (4) Size of lot;
 - (e) (5) Neighborhood land use;

Commented [A1]: To be consistent with Section 4.4.A.4a, as copied verbatim "The trainee appraiser shall be subject to direct supervision by a certified appraiser."

- (f) (6) Potential environmental hazard liability;
- (g) (7) Leasehold interests;
- (h) (8) Limited readily available comparable sales data; or
- (i) (9) Other unusual factors.

2.14 (n) "Continuing Education". Education that is creditable toward the education requirements that must be satisfied to renew licensure as a Licensed Real Property Appraiser, Certified Residential Real Property Appraiser, or a Certified General Real Property Appraiser.

2.15 (o) "Direct Supervision". To ~~actively and personally~~ review the appraisal report of an appraiser trainee **actively and personally**, to accept responsibility for the appraisal, and to sign the report attesting to the acceptance of the appraisal as being independently and impartially prepared and in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP).

2.16 (p) "Distance Education". Distance education is any education process based on geographical separation of student and instructor. A distance education course acceptable to meet class hour requirement if:

- (1) The course provides interaction. Interaction is a reciprocal environment where the student has verbal or written communications with the instructor; and
- (2) Content approval is obtained from AQB, a state licensing jurisdiction, or an accredited college, community college, or University that offers distance education programs and is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education. Non-academic credit college courses provided by a college shall be approved by the AQB or the state licensing jurisdiction; and
- (3) Course delivery mechanism approval is obtained from one of the following sources:
 - (i) AQB approved organizations providing approval of course design and delivery; or
 - (ii) a college that qualifies for content approval in (i) above that awards academic credit for the distance education course; or
 - (iii) a qualifying college for content approval with a distance education delivery program that approves the course design and delivery that incorporate interactivity.

2.17 (q) "Federally Related Transaction". The term "federally related transaction" means any real estate-related financial transaction which:

- (a) (1) A federal financial institutions regulatory agency or the Resolution Trust Corporation engages in, contracts for, or regulates; and
- (b) (2) Requires the services of an appraiser.

2.18 (r) "License". The document ~~indicating~~ indicates that the person named thereon has satisfied all

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requirements for licensure as a CNMI licensed or certified appraiser for federally or non-federally related transactions.

2.19 (s) "Licensed Appraiser". Licensed Residential Real Property Appraiser or a Licensed General Real Property Appraiser for non-federally related transactions; or a Licensed Real Property Appraiser for federally related transactions.

2.20 (t) "Market Analysis". A study of market conditions for a specific type of property.

2.21 (u) "Market Value". A type of value, stated as an opinion, that presumes the transfer of a property (i.e., a right of ownership or a bundle of such rights), as of a certain date, under specific conditions set forth in the definition of the term identified by the appraiser as applicable in an appraisal.

2.22 (v) "Mass Appraisal". The process of valuing a universe of properties as of a given date using standard methodology, employing common data, and allowing for statistical testing.

2.23 (w) "Non-Federally Related Real Estate Transaction". Any transaction which does not meet the definition of a federally related transaction.

2.24 (x) "Personal Property". Identifiable tangible objects that are considered by the general public as being "personal" – for example, furnishings, artwork, antiques, gems and jewelry, collectibles, machinery, and equipment; all tangible property that is not classified as real estate.

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2.25 (y) "Practice of Real Property Appraisal".

(1) A profession which engages in real property appraisal activity for federally or non-federally related transactions, for a fee or other valuable consideration, by preparing independent and impartial written or oral statements setting forth an opinion as to the value of an adequately described property as of a specified date(s), supported by the presentation and analysis of relevant market information prepared in conformity with the USPAP, as amended.

(2) A person is considered to practice or offer to practice real property appraisal, within the meaning and intent of the law and the rules and regulations, who practices the profession of real property appraisal or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents themselves to be a real property appraiser or through the use of some other title, implies that they are a real property appraiser, or that they are licensed or certified under the law or holds themselves out as able to perform or who does perform any real property appraisal service work, or any other service designated by the practitioner which is recognized as real property appraisal.

2.26 (z) "Probation". A condition placed upon an individual's practice that obligates they meet various conditions and further demonstrates that they have maintained a satisfactory performance in their practice over a specific period of time all license or wallet-size card issued by the Board. In order for a licensee to reinstate a license that has been revoked, the licensee is required to apply as a new applicant.

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2.27 (aa) "Suspension". A suspension terminates a license privilege for a limited time. The license may be reinstated after the licensee has fulfilled the conditions imposed by the Board.

2.28 (bb) "Temporary Appraiser's License". A license for one specific appraisal assignment, issued to a

Licensed or Certified appraiser not residing in the CNMI or who has no established business in the CNMI.

2.29 (cc) "Tract Development". A project of five units or more that is constructed or to be constructed as a single development. A tract development may be units in a subdivision, condominium project, time-share project, or any similar project meant to be sold as individual units over a period of time. A project is deemed to be a tract development whether it currently is or is intended to sell as a single development.

2.30 (dd) "Uniform Standards of Professional Appraisal Practice or USPAP". Standards of appraisal practice developed by the Appraisal Standards Board (ASB) of the Appraisal Foundation.

2.31 (ee) "Value". The monetary relationship between properties and those who buy, sell, or use those properties.

~~**2.32 Years of Experience.** A year is defined in terms of hours within a calendar year. One thousand (1,000) hours constitutes a year of appraisal experience.~~

PART 44. § 125-40-020 POWERS AND DUTIES OF THE BOARD

~~**3.1 Powers and Duties of the Board.**~~ In addition to those powers and duties specifically enumerated by law, the Board shall have the following powers and duties:

- (a) To grant, deny, suspend, revoke, place on probation, renew, or refuse to renew permission to practice as a Licensed or Certified real property appraiser in the CNMI;
- (b) To adopt, amend, or repeal rules and/or regulations as necessary to effectuate fully the law;
- (c) To enforce the law and rules and regulations adopted pursuant thereto;
- (d) To discipline a real estate appraiser to any cause prescribed by law or for any violation of the rules and regulations and refuse to grant a person permission to practice as a real property appraiser for any **violations** because that would be grounds for disciplining a real property appraiser;
- (e) To act as the designated representative of the CNMI to exempt, waive or implement the requirements of 12 U.S.C. §3301 et seq.;
- (f) To revoke or suspend the permission to practice as an appraiser or otherwise condition the scope of the license of the appraiser for any violation of the law or these regulations;
- (g) To impose continuing education requirements as a prerequisite to renewal of a license, as necessary;
- (h) To issue an annual statement describing the receipts and expenditures in the administration of these regulations during each fiscal year;
- (i) To compel the attendance of witnesses and production of books, documents, records, and other papers; to administer oaths; and to take testimony and receive evidence concerning all matters within their jurisdiction. These powers may be exercised directly by the Board or the Board's authorized representative acting by authority of law;
- (j) To contract with qualified persons, including attorneys, hearing officers, accountants, investigators,

and other necessary personnel to assist the Board in exercising the Board's powers and duties;

- (k) To contract with a professional testing agency to develop and administer examinations;
- (l) To do all other things necessary to carry out the provisions of these regulations and to meet the requirements of federal law where necessary regarding licensing of appraisers that the Board determines are appropriate for Licensed and Certified appraisers in the CNMI.

PART ~~IX~~ 100 REQUIREMENTS FOR LICENSURE

4.1 § 125-40-101 Requirements for Licensure. It shall be unlawful for an individual who is not licensed in the CNMI to prepare or hold oneself out as being able to prepare an appraisal in connection with a real property related transaction. It shall be unlawful for a person with one class of license to perform an appraisal requiring a different class of license.

4.2 § 125-40-105 General Requirements. All applicants for a license shall possess a reputation for honesty, trustworthiness, fairness, and financial integrity; meet educational and experience requirements; and shall pass an examination approved by the Appraiser Qualifications Board of the Appraisal Foundation and not have been convicted of or pled guilty or nolo contendere to, a felony in a domestic or foreign court during the five year period immediately preceding the date of the application for licensing or certification, or at any time preceding the date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering. Applicants for the **federally-related transaction** and non-federally-related transaction appraiser license must take and pass the local appraisal examination as part of the requirement.

4.3 § 125-40-110 Requirements for Real Property Appraiser, Federally Related Transactions. All applicants for a Real Property Appraiser license must meet the following requirements:

Commented [A5]: We already deliberated this part on our last board meeting to apply both for the federally-related and non-federally related appraiser. Please comment.

A. Education.

1. Class Hour.

- a. A class hour is 60 minutes, of which at least 50 minutes are instruction attended by the student. The prescribed number of class hours includes time devoted to examinations which are **considered to be** part of the course.

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2. Credit for the class hour requirement may be obtained only from the following institutions:

- a. Colleges or Universities
- b. Community or Junior Colleges
- c. Real Estate Appraisal or Real Estate Related Organizations
- d. State or Federal Agencies or Commissions
- e. Proprietary Schools
- f. Providers approved by the **state certification/licensing agencies or the** Board.
- g. **The Appraisal Foundation or** AQB-approved course providers

3. AQB Guidance for Curriculum Content.

I. Basic Appraisal Principles – 30 Hours

- A. Real Property Concepts and Characteristics

1. Basic Real Property Concepts
2. Real Property Characteristics
3. Legal Description
- B. Legal Considerations
 1. Forms of Ownership
 2. Public and Private Controls
 3. Real Estate Contracts
 4. Leases
- C. Influences on Real Estate Values
 1. Governmental
 2. Economic
 3. Social
 4. Environmental, Geographic, and Physical
- D. Types of Value
 1. Market Value
 2. Other Value Types
- E. Economic Principles
 1. Classical Economic Principles
 2. Application and Illustrations of the Economic Principles
- F. Overview of Real Estate Markets and Analysis
 1. Market Fundamentals, Characteristics and Definitions
 2. Supply Analysis
 3. Demand Analysis
 4. Use of Market Analysis
- G. Ethics and How They Apply in Appraisal Theory and Practice

II. Basic Appraisal Procedures – 30 Hours

- A. Overview of Approaches to Value
- B. Valuation Procedures
 1. Defining the Problem
 2. Collecting and Selecting Data
 3. Analyzing
 4. Reconciling and Final Value Opinion
 5. Communicating the Appraisal
- C. Property Description
 1. Geographic Characteristics of the Land/Site
 2. Geologic Characteristics of the Land/Site
 3. Location and Neighborhood Characteristics
 4. Land/Site Considerations for Highest and Best Use
 5. Improvements – Architectural Styles and Types of Construction

6. Special Energy-Efficient Characteristics of the Improvements

D. Residential Applications

III. 15-Hour National USPAP Course or its Equivalent – 15 Hours

(Required for the Trainee Appraiser, Licensed Residential, Certified Residential, and Certified General classifications)

- A. Preamble and Ethics Rule
- B. Standard 1
- C. Standard 2
- D. Standards 3 to 10
- E. Statements and Advisory Opinions

IV. Residential Market Analysis and Highest and Best Use – 15 Hours

(Required for the Licensed Residential and Certified Residential Classifications)

- A. Residential Markets and Analysis
 - 1. Market Fundamentals, Characteristics and Definitions
 - 2. Supply Analysis
 - 3. Demand Analysis
 - 4. Use of Market Analysis
- B. Highest and Best Use
 - 1. Test Constraints
 - 2. Application of Highest and Best Use
 - 3. Special Considerations
 - 4. Market Analysis
 - 5. Case Studies

V. Residential Appraiser Site Valuation and Cost Approach – 15 Hours

(Required for the Licensed Residential and Certified Residential classifications)

- A. Site Valuation
 - 1. Methods
 - 2. Case Studies
- B. Cost Approach
 - 1. Concepts and Definitions
 - 2. Replacement/Reproduction Cost New
 - 3. Accrued Depreciation
 - 4. Methods of Estimating Accrued Depreciation
 - 5. Case Studies

VI. Residential Sales Comparison and Income Approaches – 30 Hours

(Required for the Licensed Residential and Certified Residential classifications)

- A. Valuation Principles & Procedures – Sales Comparison Approach
- B. Valuation Principles & Procedures– Income Approach
- C. Finance and Cash Equivalency
 - 1. Identification of Seller Concessions and their Impact on Value**
- D. Financial Calculator Introduction
- E. Identification, Derivation and Measurement of Adjustments

- F. Gross Rent Multipliers
- G. Partial Interests
- H. Reconciliation
- I. Case Studies and Applications

VII. Residential Report Writing and Case Studies – 15 Hours

(Required for the Licensed Residential and Certified Residential classifications)

- A. Writing and Reasoning Skills
- B. Common Writing Problems
- C. Form Reports
- D. Report Options and USPAP Compliance
- E. Case Studies

VIII. Statistics, Modeling and Finance – 15 Hours

(Required for the Certified Residential and Certified General classifications)

- A. Statistics
- B. Valuation Models (AVM's and Mass Appraisal)
- C. Real Estate Finance

IX. Advanced Residential Applications and Case Studies – 15 Hours

(Required for the Certified Residential classification)

- A. Complex Property, Ownership and Market Conditions
- B. Deriving and Supporting Adjustments
- C. Residential Market Analysis
- D. Advanced Case Studies
 - 1. Seller Concessions
 - 2. Special Energy-Efficient Items (i.e., "Green Buildings")

X. General Appraiser Market Analysis and Highest and Best Use – 30 Hours

(Required for the Certified General classification)

A. Real Estate Markets and Analysis

- 1. Market Fundamentals, Characteristics and Definitions
- 2. Supply Analysis
- 3. Demand Analysis
- 4. Use of Market Analysis

B. Highest and Best Use

- 1. Test Constraints
- 2. Application of Highest and Best Use
- 3. Special Considerations
- 4. Market Analysis
- 5. Case Studies

XI. General Appraiser Sales Comparison Approach – 30 Hours

(Required for the Certified General classifications)

- A. Value Principles
- B. Procedures
- C. Identification and Measurement of Adjustments
- D. Reconciliation

E. Case Studies

1. Seller Concessions
2. Special Energy-Efficient Items (i.e., "Green Buildings")

XII. General Appraiser Site Valuation and Cost Approach – 30 Hours

(Required for the Certified General classifications)

- A. Site Valuation
 1. Methods
 2. Case Studies
- B. Cost Approach
 1. Concepts and Definitions
 2. Replacement/Reproduction Cost New
 3. Accrued Depreciation
 4. Methods of Estimating Accrued Depreciation
 5. Case Studies

XIII. General Appraiser Income Approach – 60 Hours

(Required for the Certified General classifications)

- A. Overview
- B. Compound Interest
- C. Lease Analysis
- D. Income Analysis
- E. Vacancy and Collection Loss
- F. Estimating Operating Expenses and Reserves
- G. Reconstructed Income and Expense Statement
- H. Stabilized Net Operating Income Statement
- I. Direct Capitalization
- J. Discounted Cash Flow
- K. Yield Capitalization
- L. Partial Interests
- M. Case Studies

XIV. General Appraiser Report Writing and Case Studies – 30 Hours

(Required for the Certification General classifications)

- A. Writing and Reasoning Skills
- B. Common Writing Problems
- C. Report Options and USPAP Compliance
- D. Case Studies

4. Experience may not be substituted for education.

5. Instructors who are also licensed or certified appraisers may receive up to one half of their continuing education requirement from instruction of appraisal courses or seminars. Credit for instructing can only be awarded once during a CE cycle.

6. Qualifying Education (QE).

- A. Class hours will be credited only for educational offerings with content that follows the required

AQB Guidance for Curriculum Content listed in §4.3(A)(3) for each respective classification. Course content requirements may be general or specific to property type. Applicants must take the 15-hour National USPAP course, or its equivalent, and pass the associated 15-hour National USPAP Course Examination. Equivalency shall be determined through the AQB Course Approval Program or by an alternative method established by the AQB. USPAP qualifying education credit shall only be awarded when the class is instructed by an AQB Certified USPAP Instructor(s) who is also a state certified appraiser.

- B. Credit toward QE requirements may also be obtained via the completion of a graduate (masters or doctoral) degree in Real Estate from an accredited college or university approved by the American Association of Collegiate Schools of Business, or a regional or national accreditation agency recognized by the U.S. Secretary of Education, provided that the college or university has had its curriculum reviewed and approved by the AQB. The AQB may maintain a list of approved college or university graduate degree programs, including the Required Core Curriculum and Appraisal Subject Matter Elective hours satisfied by the award of the degree. Candidates for the Trainee, Licensed, Certified Residential or Certified General credential who are awarded graduate degrees from approved institutions ~~are required to~~ must complete all additional education required for the credential, in which the approved degree is judged to be deficient by AQB.

- C. Class hours may be obtained only where the minimum length of the education offering is at least 15 hours, and the individual successfully completes an approved closed-book examination pertinent to that education offering.

- D. Courses taken for QE must not be repetitive in nature. USPAP Courses taken in different years are not repetitive.

7. Distance Education to meet Qualifying Education Requirement.

~~For qualifying education:~~ Distance education is defined as any educational process based on the geographical separation of ~~learner student~~ and instructor. ~~For qualifying education:~~ A distance education course ~~must~~ provide interaction between the ~~learner student~~ and instructor and include testing.

- A. Distance education courses may be acceptable to meet the classroom hour requirement, or its equivalent, provided that the course is approved by the Board, the ~~student~~ successfully completes a written examination proctored by an official approved by the presenting entity, college or university, the course meets the requirements for qualifying education established by the AQB, the course is equivalent to the minimum of 15 classroom hours, and meets one of the following conditions:

- 1. The course is presented by an accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines; or
- 2. The course has received approval of the International Distance Education Certification Center (IDECC) for the course design and delivery mechanism and either:
 - a) the approval of the AQB through the AQB Course Approval Program, or
 - b) the course is approved by the Board.

B. Examination.

- 1. Each applicant for a license shall successfully pass the appropriate examinations of the AQB approved Uniform State Appraiser Examination. The examination must be successfully

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completed. There is no alternative to successful completion of the examination.

2. Passage of an examination taken in another jurisdiction may be approved as meeting the examination requirement provided the examination is the AQB approved Uniform State Appraiser Examination.
3. An examinee who fails the 15-hour National USPAP Course Examination is allowed to re-take the examination up to three times without re-taking the course. Each time the examination is re-taken the examinee must be administered a different version (there are three versions) of the examination. After three unsuccessful attempts the examinee must re-take the course.
4. ~~A new applicant not currently licensed or certified and in good standing in another U.S. state or territory, shall have up to December 31, 2014, after approval by the Board, to take and pass an AQB-approved qualifying examination for the classification. Successful completion of the examination may be valid for another 24 months after 12/31/14.~~

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C. Experience.

1. Education may not be substituted for experience.
2. The quantitative experience requirements must be satisfied by time spent on the appraisal process. The appraisal process consists of analyzing factors that affect value; defining the problem; gathering and analyzing data; applying the appropriate analysis and methodology; and arriving at an opinion and correctly reporting the opinion in compliance with USPAP.
3. The verification for experience credit claimed by an applicant shall be on forms prescribed by the Board which should include:
 - a. Type of property
 - b. Date of report
 - c. Address of appraised property
 - d. Description of work performed
 - e. Number of actual work hours
 - f. The name, signature, and license number of the supervising appraiser
4. Hours may be treated as cumulative ~~in order~~ to achieve the necessary number of hours of appraisal experience.
5. Documentation in the form of reports, certifications, or file memoranda, or, if such reports and memoranda are unavailable for good cause, other evidence at the Board's discretion that the work is compliant with USPAP must be provided, if requested, as part of the experience verification process to support the experience claimed.
6. ~~All experience must be obtained after January 30, 1989 and must be USPAP compliant.~~
7. 6. All applicants must affirm in the application provided by the Board that the hours presented were completed under the supervision of a Licensed Residential or Licensed General Real Property Appraiser for non-federally related transactions or a Certified Residential or Certified General Real Property Appraiser for federally related transactions, depending on the appraiser

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classification the applicant is applying for.

~~D. Extension of Time for Active Duty U.S. Military~~

~~An applicant in the Reserve components of the US Armed Forces, who was pursuing an appraiser license or certification prior to December 1, 2011, and who was called to active duty between December 1, 2011 and December 31, 2014, may satisfy the qualifications required under the 2008 Criteria for an additional time period after January 1, 2015. The extension of time shall be equal to the applicant's time of active duty, plus 12 months.~~

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E. Compliance with USPAP

Appraisers in all classifications shall perform and practice in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP).

~~4.4~~ § 125-40-115 Real Property Appraiser Classifications

A. Trainee Real Property Appraiser Classification

The scope of practice for this classification is the appraisal of those properties which the supervising certified appraiser is permitted by his/her current classification and that the supervising appraiser is qualified to appraise. The appraiser trainee shall be entitled to obtain copies of appraisal reports he or she prepared. The supervising appraiser shall keep copies of appraisal reports for a period of five years, or at least two years after final disposition of any judicial proceedings in which testimony was given, whichever period expires last.

1. Qualifying Education

- a. As the prerequisite for application, an applicant must have completed 75 creditable class hours as specified below. Additionally, applicants must pass the Core Curriculum examinations and pass the 15-Hour National USPAP course and examination as part of the 75 creditable class hours.

- (A) Basic Appraisal Principles 30 Hours
- (B) Basic Appraisal Procedures 30 Hours
- (C) 15-Hour National USPAP 15 Hours

- b. Qualifying education must ~~have been~~ obtained within the five-year period immediately preceding application for a Trainee Appraiser credential or licensure.
- c. Effective after 1/1/15, both the Trainee Appraiser and Supervisory Appraiser shall be required to complete a course that, at a minimum, complies with the specifications for course content established by the AQB (including existing supervisors if they take on a new trainee after 1/1/15). The course will be oriented toward the requirements and responsibilities of Supervisory Appraisers and expectations for Trainee Appraiser. The course must be completed by the Trainee Appraiser prior to obtaining a Trainee Appraiser credential and completed by the Supervisory Appraiser prior to supervising a Trainee Appraiser.

2. Examination

There are no examination requirements for this classification, but the trainee shall pass examinations

in the prerequisite courses ~~in order~~ to earn credit for core education courses.

3. Experience

No experience is ~~required~~ ~~needed~~ as a prerequisite for this classification.

4. Training

- a. The Trainee Appraiser shall be subject to direct supervision by a certified appraiser.
- b. The Supervising Appraiser shall be responsible for the training, guidance, and direct supervision of the appraiser trainee by:
 - i) Accepting responsibility for the appraisal by signing and certifying the appraisal report complies with USPAP;
 - ii) Reviewing and signing the appraiser trainee appraisal report(s); and
 - iii) Personally inspecting each appraised property with the Trainee Appraiser until the Supervising Appraiser determines the Trainee Appraiser is competent to inspect the property, in accordance with the COMPETENCY RULE of USPAP for the property type.
- c. The Trainee Appraiser is permitted to have more than one Supervising Appraiser; however, Supervisory Appraisers may not supervise more than three (3) Trainee Appraisers at one time, unless a state program in the credentialing jurisdiction provides for progress monitoring, supervisory certified appraiser qualifications, and supervision and oversight requirements for Supervisory Appraisers.
- d. An appraisal ~~experience~~ log shall be maintained ~~jointly~~ by the **Supervisory Appraiser & the Trainee Appraiser** ~~Trainee~~ and shall, at a minimum, include the following: ~~for each appraisal:~~
 - i) Type of property
 - ii) Date of Report
 - iii) Client name and address of appraised property
 - iv) ~~A~~ ~~Description~~ of the work performed by the trainee or applicant
 - v) The scope of the review and supervision of the supervising appraiser
 - ~~vi) The level of supervision performed by the supervising appraiser~~
 - vii) Number of actual work hours by the trainee/applicant on the assignment
 - viii) Name, signature, and license number of the supervising appraiser
- e. The supervising appraiser shall be in good standing within the training jurisdiction, not subject to any disciplinary action within the last three (3) years that affects the Supervisory Appraiser's legal eligibility to engage in appraisal practice. A Supervisory Appraiser subject to a disciplinary action would be ~~considered to be~~ in good standing three (3) years after the successful completion/termination of the sanction imposed against the appraiser.
- f. Separate appraisal logs shall be maintained for each supervising appraiser, if applicable.

Commented [A11]: Reference: Real Property Appraiser Qualification Criteria Supervisory Appraiser Requirements, Section I.E

5. Continuing Education

- a. Fourteen (14) continuing education hours for each year (28 hours);and
 - b. Successful completion of the 7-hour National USPAP Update Course, at least once every two years. After January 1, 2005, you may not substitute the 15-hour National USPAP course or its equivalent for the 7-hour National USPAP Update course.
6. All appraiser trainees must comply with the Competency Rule of USPAP.

B. Licensed Residential Real Property Appraiser Classification

The Licensed **Residential** Real Property classification applies to the appraisal of non-complex one-to-four residential units having a transaction value less than \$1,000,000 and complex one-to-four residential units having a transaction value less than \$400,000. This classification includes the appraisal of vacant or unimproved land that is utilized for 1-4 family purposes or for which the highest and best use is for 1-4 family purposes. This classification does not include the appraisal of subdivisions for which a development analysis/ appraisal is necessary.

1. Qualifying Education

- a. Applicants for the licensed real property credential shall successfully complete 30 semester hours of college-level education, from an accredited college, junior college, community college, or university. The college or university must be a degree-granting institution accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education. If an accredited college or university accepts the College-Level Examination Program® (CLEP) and examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course. Applicants holding an Associate degree, or higher, from an accredited college, junior college, community college, or university satisfy the 30-hour college-level education requirement.

2. Examination

- a. The AQB-approved Licensed Residential Real Property Appraiser Examination must be successfully completed. The only alternative to successful completion of the Licensed Residential examination is the successful completion of the Certified Residential or Certified General examination.
- b. The prerequisites for taking the AQB-approved examination are completion of:
 - (1) One hundred fifty (150) creditable class hours as specified in the *Required Core Curriculum*; and
 - (2) Completion of the college-level education requirements specified in (B) (1) (a) above; and
 - (3) ~~One thousand (1,000) Two-thousand (2,000)~~ hours of qualifying experience in no fewer than ~~twelve (12) months~~ **six (6) months**.

3. Experience

~~Two~~ One thousand ~~(2,000 1,000)~~ hours of appraisal experience are required to be obtained in no fewer than ~~12 months~~ **(six (6) months)**.

4. Continuing Education

- a. Fourteen (14) continuing education hours for each year (28 hours); and
- b. Successful completion of the 7-hour National USPAP Update Course, at least once every two years. After January 1, 2005, you may not substitute the 15-hour National USPAP course or its equivalent for the 7-hour National USPAP Update course.

5. All licensed appraisers must comply with the COMPETENCY RULE of USPAP.

C. Certified Residential Real Property Appraiser Classification

The Certified Residential Real Property classification applies to the appraisal of one-to-four residential units without regard to transaction value or complexity. This classification includes the appraisal of vacant or unimproved land that is utilized for 1-4 family purposes or for which the highest and best use is for 1-4 family purposes. This classification does not include the appraisal of subdivisions for which a development analysis/ appraisal is necessary.

1. Qualifying Education

- a. Applicants for the Certified Residential credential must hold a ~~B~~**bach**elor's degree, or higher, from an accredited college or university. The college or university must be a degree-granting institution accredited by the Commission on Colleges, a national or regional accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.
- b. The Certified Residential Real Property Appraiser classification requires completion of two hundred (200) creditable class hours as specified in the *Required Core Curriculum*. As part of the 200 required hours, the applicant shall successfully complete the 15-Hour National USPAP Course, or its AQB-approved equivalent, and the examination. There is no alternative to successful completion of the USPAP Course and examination.

2. Examination

- a. The AQB-approved Certified Residential Real Property Appraiser Examination must be successfully completed. *There is no alternative to successful completion of the examination.*
- b. The prerequisites for taking the AQB-approved examination are completion of:
 - (1) Two hundred (200) creditable class hours as specified in the *Required Core Curriculum*.
 - (2) Completion of the college-level education requirements specified in (c) (1) (a) above; and
 - (3) One thousand five hundred ~~(2,500 1,500)~~ hours of qualifying experience

obtained in no fewer than ~~twenty-four (24)~~ twelve (12) months.

3. Experience

~~Two~~ One thousand five hundred (~~2,500~~ 1,500) hours of experience obtained during no fewer than ~~twenty-four (24)~~ twelve (12) months is required. While the hours may be cumulative, the required number of months must accrue before an individual can be certified.

4. Continuing Education

- a. Fourteen (14) continuing education hours for each year (28) hours; and
- b. Successful completion of the 7-hour National USPAP Update Course, at least once every two years. After January 1, 2005, you may not substitute the 15-hour National USPAP course or its equivalent for the 7-hour National USPAP Update course.

5. All certified residential appraisers must comply with the Competency Rule of USPAP.

D. Certified General Real Property Appraiser Classification

This classification applies to the appraisal of all types of real property.

1. Qualifying Education

- a. Applicants for the Certified General credential must hold a ~~B~~ bachelor's degree, or higher, from an accredited college or university. The college or university must be a degree-granting institution accredited by the Commission on Colleges, a national or regional accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.
- b. The Certified General Real Property Appraiser classification requires completion of three hundred (300) creditable class hours as specified in the *Required Core Curriculum*. As part of the 300 required hours, the applicant shall successfully complete the 15-Hour National USPAP Course, or its AQB-approved equivalent, and the examination. There is no alternative to successful completion of the USPAP Course and examination.
- c. Applicants must demonstrate that their education includes core courses listed above, with particular emphasis on non-residential properties.

2. Examination

- a. The AQB approved Uniform State Certified General Real Property Appraiser Examination must be successfully completed. There is no alternative to successful completion of the exam.
- b. The prerequisites for taking the AQB-approved examination are completion of:
 - (1) Three hundred (300) creditable class hours as specified in the *Required Core Curriculum*;
 - (2) Completion of the college-level education requirements specified in (D) (1) (a) above; and

- (3) Three thousand (3,000) hours of qualifying experience obtained in no fewer than ~~thirty (30)~~ eighteen(18) months, where a minimum of one thousand five hundred (1,500) hours must be obtained in non-residential appraisal work.

3. Experience

Three Thousand (3,000) hours of experience obtained during no fewer than ~~thirty (30)~~ eighteen(18) months is required, of which, one thousand five hundred (1,500) hours must be in non-residential appraisal work. While the hours may be cumulative, the required number of months must accrue before an individual can be certified.

4. Continuing Education

- a. Fourteen (14) continuing education hours for each year (28) hours; and
- b. Successful completion of the 7- hour National USPAP Update Course, at least once every two years. After January 1, 2005, you may not substitute the 15-hour National USPAP course or its equivalent for the 7-hour National USPAP Update course.

5. All certified residential appraisers must comply with the COMPETENCY RULE of USPAP.

E. Licensure by Reciprocity.

The Board may grant a license to a person to practice as a real property appraiser by reciprocity if:

1. The person holds an active, valid license for real property appraisal in another U.S. state or territory for the real property classification he/she is applying for;
2. The person is coming from a state or U.S. territory that is "in compliance" with Title XI as determined by the ASC; and
3. The licensure requirements in the jurisdiction of the applicant meet or exceed the requirements in these regulations.

4.5 § 125-40-120 Approved Course Providers

- A. Colleges, universities and community and junior colleges accredited by the Commission on Colleges, or a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.
- B. Real property appraiser or real estate related organizations, proprietary schools, and others shall be approved provided that the course provider ~~have~~ has obtained approval of their course(s) with AQB.

4.6 § 125-40-125 Continuing Education (CE)

The purpose of continuing education is to ensure that the appraiser participates in a program that maintains and increases his/her skill, knowledge, and competency in real property appraising.

- A. The equivalent of fourteen (14) class hours of instruction in courses or seminars for each year during the period preceding the renewal is required. (For example, a two-year licensing term would require twenty-eight (28) hours). These hours may be obtained anytime during the two-year term.
- B. Credit towards the continuing education hour requirements for each appraiser classification may be granted only where the length of the educational offering is at least two hours.
- C. Credit for the class hour requirement may be obtained only from the following institutions:
 - a. Colleges or Universities
 - b. Community or Junior Colleges
 - c. Real Estate Appraisal or Real Estate Related Organizations
 - d. State or Federal Agencies or Commissions
 - e. Proprietary Schools
 - f. Providers approved by the Board
 - g. AQB-approved course providers
- D. Credit may be granted for educational offerings that are consistent with the purpose of continuing education and cover those real properties related appraisal topics, including, but not limited to:
 - a. Ad Valorem Taxation;
 - b. Arbitration, dispute resolution;
 - c. Courses related to the practice of real estate appraisal or consulting;
 - d. Development cost estimating;
 - e. Ethics and standards of professional practice, USPAP;
 - f. Land use planning, zoning;
 - g. Management, leasing, timesharing;
 - h. Property development, partial interests;
 - i. Real estate law, easements, and legal interests;
 - j. Real estate litigation, damages, condemnation;
 - k. Real Estate financing and investment;
 - l. Real estate appraisal related computer applications; and/or
 - m. Real estate securities and syndication
- E. Appraisers must successfully complete the 7-Hour National USPAP Update Course, or its equivalent, every two calendar years. Equivalency shall be determined through the AQB Course Approval Program or by an alternate **ive** method established by the AQB. USPAP continuing education credit shall only be awarded when the class is instructed by *at least one* AQB Certified Instructor(s) who is also a state certified appraiser. Individuals who are licensed in more than one jurisdiction shall not have to take more than one 7-Hour National USPAP Update Course within a two-calendar year period for the purposes of meeting AQB criteria.
- F. Qualifying education courses are acceptable as continuing education courses **as long as** if they are not a duplicate.
- G. Aside from complying with the requirements to complete the 7-Hour National USPAP Update Course, or its equivalent, appraisers may not receive credit for completion of the same continuing education course offering within an appraiser's continuing education cycle.

- H. The Board, in its discretion, may require the completion of an examination at the end of any continuing education course.
- I. Up to one half of an individual's continuing education requirement may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined to be equivalent to obtaining continuing education. Credit for instructing any given course or seminar can only be awarded once during a continuing education cycle.
- J. Educational offerings taken by an individual ~~in order~~ to fulfill the class hour requirements for a different classification than his/her current classification may be simultaneously counted towards the continuing education requirement of his/her classification.
- K. Continuing education credit hours in excess of the twenty-eight (28) continuing education hours for every two-year renewal period shall not be credited to satisfy continuing education hours for the next two-year renewal period.
- L. As a prerequisite to renewal of a license, a real property appraiser shall present satisfactory evidence of having met the continuing education requirements.
- M. Distance Education to meet Continuing Education Requirement for continuing education, distance education is defined as any educational process based on the geographical separation of learner and instructor.
- a. Distance education courses may be acceptable to meet the continuing education requirement provided that the course is approved by the Board, the course is a minimum of 2 classroom hours and meets the requirements for continuing education courses established by the AQB, and meets one of the following conditions:
1. The course is presented to an organized group in an instructional setting with a person qualified and available to answer questions, provide information, and monitor student attendance; or
 2. The course is presented by an accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines and the student successfully completes a written examination proctored by an official approved by the presenting college or university or by the sponsoring organization consistent with the requirements of the course accreditation; or
 3. The course has received approval of the International Distance Education Certification Center (IDECC) for the course design and delivery mechanism and either a) the approval of the AQB through the AQB Course Approval Program, or b) the course is approved by the Board and the student successfully completes a written examination proctored by an official approved by the presenting college or university or by the sponsoring organization consistent with the requirements of the course accreditation; or if a written examination is not required, the student successfully completes the course mechanisms required.

PART ~~4~~ 200 APPRAISERS-NON-FEDERALLY RELATED TRANSACTIONS

~~5.1~~ § 125-40-201 Education/Experience Requirements for Non-Federally Related Transactions.

Applicants must meet the following requirements for licensing as a CNMI Licensed Real Property Appraiser, Non-Federally Related Transactions or CNMI Licensed General Real Property Appraiser, Non-Federally Related Transactions or for renewal:

A. Licensed Real Property Appraiser, Non-Federally Related Transactions

Includes the appraisal of vacant or unimproved land of one to four residential units. This classification does not include the appraisal of subdivisions wherein a development appraisal is necessary and utilized. This appraiser is not qualified under the law and these regulations to perform federally related real property transactions. At least 50% of the experience claimed must have been in major residential appraisal work.

B. Licensed General Real Property Appraiser, Non-Federally Related Transactions

This classification requires that at least 50% of the experience claimed must have been in non-residential appraisal work and can-do appraisals of all real estate transactions without regard to transaction value or complexity. This appraiser is not qualified under the law and these regulations to perform federally related real property transactions.

C. Education and Experience

1. One Hundred (100) class hours in courses related to real estate appraisal with six (6) years' experiences as an appraiser; or
2. An AA in Business Administration with seventy-five (75) classroom hours in courses related to real estate appraisal with (4) years' experience as an appraiser; or
3. A Bachelor's degree or higher with fifty (50) class hours in courses related to real estate appraisal and two (2) years' experiences as an appraiser.

D. All applicants must take and pass the local appraisal examination approved by the Board. The examination shall be based upon recognized appraisal standards, to be selected and administered by the Board pursuant to its rulemaking power.

E. To verify appraisal experience as required in Section (C), the applicant must submit at least one appraisal report he or she has written for each of the required years of experience **above-mentioned above.**

PART ~~4~~ 300 APPLICATION

~~6.1~~ § 125-40-301 Application for Licensure.

Application for licensure shall be made under oath or under penalty of perjury as permitted under CNMI law on a form to be furnished by the Board. The form may require the applicant to provide:

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- A. The applicant's full name;
- B. A statement that the applicant has attained the age of majority (18);
- C. The applicant's current business or mailing address or publication, and the applicant's current address;
- D. The applicant's social security number;
- E. The applicant's employment history during the five years preceding the date of the filing of the application, with names and addresses of each employer;
- F. Police clearance from a U.S. state or territory or foreign jurisdiction where licensed or presently or formerly residing shall be furnished as a condition to apply for a license;
- G. The date and place of any conviction of felony or any crime in any way related to any appraisal practice;
- H. Information regarding any disciplinary proceedings or disciplinary actions taken by any jurisdiction;
- I. A designation in writing appointing the Board to act as the applicant's agent upon whom all judicial and other process or legal notices directed to the applicant may be served. The applicant shall agree that service upon the Board shall have the same legal force and validity as if personally served upon the applicant when such judicial or other process or legal notice is related directly or indirectly to a license issued by the Board. This procedure is for informational purposes only and is not intended to be, and of itself does not constitute, valid, legal service upon the licensee who must be served on a basis consistent with applicable CNMI laws, rules, regulations and/or Rules of Court. The Board shall immediately forward such judicial or other process or legal notice to the licensee by the mailing of such document certified mail, return receipt requested, to the last address which the licensee has provided to the Board. The Board's compliance with the notification requirement as provided herein shall conclude the Board's liability and notification responsibility of the licensee.
- J. A photograph of the applicant for identification purposes;
- K. Any other information the Board may require to investigate the applicant's qualifications for licensure.

6.2 § 125-40-305 Supporting Documents Required. Every applicant shall furnish the following with the application:

- A. The appropriate fees;
- B. Proof that the applicant has met the educational, examination, and experience requirements;
- C. Notarized statement of experience or under penalty of perjury as permitted by applicable CNMI law;
- D. Three references from lenders or other individuals who have had dealings relating to the applicant's appraisal assignments attesting to the applicant's experience and reputation for honesty, truthfulness, fairness, and financial integrity;

- E. Proof that the applicant is a CNMI or United States citizen or a non-U.S. citizen authorized to work in the CNMI; and
- F. If requested, appraisal reports or file memoranda.
- G. Other additional information as the Board from time to time deems appropriate or necessary.

6.3 § 125-40-310 Reputation for Honesty, Truthfulness, Fairness and Financial Integrity. Applicant shall demonstrate, as set forth in 6.2 (D) that the applicant possesses a good reputation for honesty, truthfulness, fairness, and financial integrity. **Issuance of License.** The CNMI appraiser license shall be issued upon the applicant meeting all appropriate requirements and must be renewed as required by the CNMI law and provided herein every two years from the date of issuance or renewal.

6.4 § 125-40-315 License. A CNMI license shall only be issued to individuals and the license shall not be transferable.

6.5 § 125-40-320 Filing of Current Address. Every licensee shall provide written notice to the Board of any changes of to the licensee's mailing, business, or residence address within ten days of the change. Any requirements that the Board provide notice to licensed appraisers shall be deemed met if notice is sent to the address on file with the Board.

6.6 § 125-40-325 Responsibility of Applicant to Furnish Information and Documentation. It shall be each applicant's responsibility to furnish the information and documents requested. In the event of any change of in the information provided, the applicant shall notify the Board in writing within thirty days of any change.

6.7 § 125-40-330 Signing and Verification of Application. Every application and all references shall be signed and notarized or signed under penalty of perjury as permitted by applicable CNMI law by the applicant or the person attesting to the experience and reputation of the applicant.

6.8 § 125-40-335 Application for Temporary Practice. Application for a temporary license will be processed and issued within five (5) business days after receipt of a complete application for a temporary license.

6.9 § 125-40-340 Application for Certified Real Property Appraiser, Federally Related Transactions from Licensed Real Property Appraiser, Federally Related Transaction.

- A. An individual holding a current real property appraiser, federally related transaction license may apply for certified real property appraiser, federally related transactions status upon submittal of the following:
 - I. Certified Residential Real Property Appraiser:
 - (a) appropriate fees;
 - (b) proof that the applicant has satisfy the college-level educational requirements as specified in 4.4(C) (1) (a) or (b) and the 200 class hours as specified in 4.4(C) (1) (c) which may include the 150 class hours requirements for licensed classification which shall include the 15-hour National USPAP Course and examination and successful

completion of the AQB approved Uniform State Certified Residential Appraiser Examination; and

- (c) proof that the applicant has performed at least 2,500 hours of major residential appraisal work obtained within no less than 24 months.

2. Certified General Real Property Appraiser:

- (a) appropriate fees;
- (b) proof that the applicant has satisfy the college-level educational requirements as specified in 4.4(D)(1)(a) or (b) and the 300 class hours as specified in 4.4(D)(1)(c) which may include the 150 class hours requirement for the licensed classification and/or the 200 class hours requirement for the certified residential classification which shall include the 15-hours National USPAP Course and examination and successful completion of the AQB approved Uniform State Certified General Appraiser Examination; **and proof** that the applicant has performed at least 3,000 hours of appraisal experience obtained during no fewer than 30 months, of which 1,500 hours must be in non-residential appraisal work.
- (c) Credit awarded for the continuing education requirement may also be awarded for the class hour requirement when an individual seeks a different classification than that held, provided the education offering meets the criteria established for the class hour and continuing education requirements.

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6.10 § 125-40-345 Criminal Conviction. When an applicant has been convicted of felony or a crime related to the appraisal profession the Board may request the following documents from the applicant: copies of any court records, orders, or other documents that state the facts and statutes upon which the applicant was convicted, the verdict of the court **with** regarding **to** that conviction, the sentence imposed, and the actual terms of the sentence.

6.11 § 125-40-350 Denial or Rejection of Application.

- A. An application for issuance of a license shall be denied when an application is insufficient or incomplete or when an applicant has failed to provide satisfactory proof that the applicant meets the requirements hereunder. In addition, the Board may deny issuance of a license:
 - 1. When the applicant is known to have committed any of the acts for which a license may be suspended or revoked hereunder.
 - 2. If the applicant fails to demonstrate that the applicant possesses a good reputation for honesty, truthfulness, fairness, and financial integrity; or
 - 3. If the applicant has had disciplinary action taken by any jurisdiction, including any federal or state regulatory body.
- B. An applicant shall be automatically rejected, and the applicant shall be denied licensure when the applicant, after having been notified to do so:

1. Fails to pay the appropriate fees within sixty days from notification; or
 2. Fails to submit, after notification, any of the information or documentation requested to comply with any of the requirements for licensure within sixty days of notification.
- C. Any application which has been denied or rejected shall remain in the possession of the Board and shall not be returned.
- D. An applicant whose application has been denied or rejected, may file for an administrative hearing as provided under applicable law and regulations.

6.12 § 125-40-355 Term. All licenses expire two years following its issuance or renewal and become invalid after that date unless renewed.

PART ~~VII~~ 400 TEMPORARY PRACTICE

7.1 § 125-40-401 Temporary License. The Board may grant a temporary license to a person who desires to practice on a temporary basis, provided that such person is legally qualified and licensed in his or her jurisdiction and that his/her qualifications for obtaining the license meet those required for licensure by this Board and further provided that:

- a) The person's business is of a temporary nature; and
 - b) The appraiser applies for the temporary license.
- A. A temporary license shall be used to appraise only one assignment which length of time not to exceed one year and shall provide that there is no right to practice real property appraisal with respect to any other works not set forth in the temporary license. A temporary license may be extended but only for the purpose of completing the specific job for which the original temporary license was issued.

7.2 § 125-40-405 Requirements.

- A. Application for licensure for temporary practice shall be made under oath or under penalty of perjury as permitted under CNMI law on a form to be furnished by the Board. The form may require the applicant to provide items above mentioned, and in addition, the applicant shall:
- (a) Submit evidence of current license from the other jurisdiction;
 - (b) Submit a copy of the contract for appraisal services that requires the applicant to appraise real property in the CNMI and certify that such contract is in full force and effect;
 - (c) Certify that disciplinary proceedings are not pending against the applicant in any jurisdiction;
 - (d) Agree, in writing, to conform with all the provisions of these regulations; and
 - (e) File a designation in writing appointing the Board to act as the applicant's agent upon whom all judicial and other process or legal notices directed to the applicant may be served. The applicant shall agree that service upon the Board shall have the same legal force and validity as if personally served upon the applicant when such judicial or other process or legal notice is related directly or indirectly to a license or certificate issued by the Board. The Board shall immediately forward such judicial or other process or legal notice to the licensee by ~~the~~

mailing of such document certified mail, return receipt requested, to the last address which the licensee has provided the Board. The Board's compliance with the notification requirement as provided herein shall conclude the Board's liability and notification responsibility of the licensee.

PART ~~VI~~, 500 RENEWAL

~~8.1~~ § 125-40-501 Date of Filing for Renewal. A renewal notice shall be mailed by the Board a month before the expiration date to appraisers whose license is expiring. All licensed appraisers shall request in writing to the Board if they wish to renew their license and must submit proof of the required completed continuing education hours and the renewal fee on or before the date of expiration. The required documents with the renewal fee sent by United States mail shall be considered timely filed if the envelope bears a postmark no later than the date of expiration.

~~8.2~~ § 125-40-505 Failure to Renew. The failure to timely renew the license, pay the applicable fees, submit the required continuing education hours, or paying fees with a check which is dishonored upon first deposit shall cause the license to be automatically invalid.

~~8.3~~ § 125-40-510 Reinstatement of an Invalid License.

- A. Licenses which have expired for failure to renew on or before the date herein above required may be reinstated within one year of the expiration date provided the applicant pays the appropriate fees, and submits all continuing education hours that would have been required had the licensee maintained licensure.
- B. ~~Each individual~~ **Everyone** whose license has expired and lapsed for more than one year by failure to renew must file a new application, meet current requirements and receive board approval for licensure.

~~8.4~~ § 125-40-515 Board May Refuse to Renew or Reinstatement License.

- A. The Board may refuse to renew or reinstate a license for failure or refusal of the licensee:
 - 1. To properly complete or timely submit the renewal application form and submit all fees and required documentation;
 - 2. To maintain a good reputation for honesty, truthfulness, fairness, and financial integrity;
 - 3. To meet and maintain the conditions and requirements necessary to qualify for the issuance of the license; or
 - 4. To comply with the law and these regulations.
- B. An applicant, whose application has been refused by the Board to be renewed or reinstated for the above reasons may file for an administrative hearing as provided by law.

~~8.5~~ § 125-40-520 Inactive Status.

- A. A license may be placed on an inactive status upon notification to the Board by the licensee in writing of the effective date of inactivation and payment of an inactive fee.

- B. A licensee on inactive status shall be considered as unlicensed or uncertified.
- C. Failure to reactivate a license on inactive status after two years shall render the license null and void and appraiser must apply as a new applicant and meet current licensing requirements.
- D. Misrepresentation of inactive status ~~on~~ in the practice of real property appraisal shall be grounds for disciplinary action.

8.6 § 125-40-525 Requirements to Reactivate.

- A. An inactive licensee may apply for reactivation upon payment of all fees due owing from time of inactivity and proof of completion of all continuing education hours the applicant would have had to submit if the applicant has maintained licensure from the date of inactivation.
- B. Failure to meet the requirements for reactivation shall require a person desiring licensure to apply as a new applicant.

PART ~~IX~~ 600 SCOPE OF APPRAISERS

9.1 § 125-40-601 Supervision of Appraiser Trainees. Certified appraisers may directly supervise appraiser trainees provided:

- A. The appraiser trainee is a bona fide employee of the Certified appraiser, or an employee of the same entity who employs the Certified appraiser; and
- B. The licensed appraiser signs the report attesting the acceptance of the appraisal as being independently and impartially prepared and in compliance with the USPAP.

9.2 § 125-40-605 Use of Terms "Licensed Appraiser", and "Certified Appraiser".

- A. The terms "licensed real property appraiser," "certified residential real property appraiser", and "certified general real property appraiser" for federally related transactions and "licensed real property appraiser", and "licensed general real property appraiser" for non-federally related transactions, may only be used to refer to an individual who is licensed, federally or non-federally related transactions, as the case may be, under these regulations and may not be used following, or immediately in connection with, the name or signature of a corporation, partnership, association, or any group practice, or in any manner that might be interpreted as referring to anyone other than the individual who is licensed.
- B. This requirement shall not be construed to prevent a licensee from signing an appraisal report on behalf of a corporation, partnership, association, or any other group practice if ~~it is clear that~~ only the individual is licensed and the corporation, partnership, association or group practice is not.
- C. No person may assume or use the title "licensed real property appraiser", "certified residential real property appraiser", and "certified general real property appraiser" for federally related transactions, or "licensed real property appraiser", and licensed general real property appraiser" for non-federally related transactions, ~~as the case may be~~, or any title designation or abbreviation likely to create the impression of licensure unless that person holds a current license hereunder.

9.3 § 125-40-610 Real Estate-Related Financial Transactions Not Requiring Appraisal by a Licensed or Certified Appraiser. An appraisal performed by a Licensed or Certified appraiser (federally related transaction) is not required for any real property-related financial transaction in which:

- A. The transaction value is at or below the **de minimus** level established by a federal financial institutions' regulatory agency;
- B. A lien on real property has been taken as collateral solely through an abundance of caution and where the terms of the transaction as a consequence have not **have** been more favorable than it would have been in the absence of the lien;
- C. Real property is leased unless the lease is the economic equivalent of a purchase or sale of the leased real property;
- D. There is a renewal of an existing transaction in which the maturity and amortization of the obligation are intentionally mismatched for re-pricing or credit quality consideration, provided that:
 - 1. The borrower has performed satisfactorily according to the original terms;
 - 2. No new monies have been advanced;
 - 3. The credit standing of the borrower has not deteriorated; and
 - 4. There has been no obvious and material deterioration in market conditions or physical aspects of the property which would threaten the institution's collateral protection.
- E. A regulated institution purchases a loan or interest in a loan, pooled loan, or interests in real property, including mortgage-backed securities, provided that the appraisal prepared for each pooled loan or real property interest met the appraisal requirements under Federal law, if applicable, at the time of origination.

9.4 § 125-40-615 Non-Applicability to Real Estate Brokers or Real Estate Salespersons.

These regulations shall not apply to a real estate broker or salesperson, who, in the ordinary course of the real estate broker's or salesperson's business, gives an opinion as to the recommended listing price of real property or an opinion to a potential purchaser or third party as to the recommended purchase price of real estate, provided:

- A. The opinion as to the listing or the purchase price shall not be referred to as an appraisal;
- B. No compensation, fee, or other consideration is charged for such opinion other than the normal brokerage fee rendered in connection with the sale of the property; or
- C. No misrepresentation is made that the real estate broker or salesperson is a Certified or Licensed real property appraiser.

PART X, 700 APPRAISAL STANDARDS

10.1 § 125-40-701 Appraisal Standards

- A. For real property related financial transactions at or above the ~~de minimus~~ level established by a federal agency or government sponsored enterprise, all appraisals shall be performed by a Licensed or Certified appraiser and shall:
- (a) Perform and practice in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), as amended;
 - (b) Be based upon the definition of market value as defined in these regulations;
 - (c) Be written and be sufficiently descriptive to enable the reader to ascertain the estimated market value and the rationale for the estimate; and provide detail and depth of analysis that reflect the complexity of the real property appraised which can be readily understood by a third party;
 - (d) Analyze and report in reasonable detail any prior sales of the property being appraised that occurred within the following minimum time periods:
 - i) For one-to-four family residential property, one year preceding the date when the appraisal was prepared; or
 - ii) For all other property, three years preceding the date when the appraisal was prepared.
 - (e) Analyze and report data on current rents and current vacancies for the subject property if it is and will continue to be income-producing;
 - (f) Analyze and report data on current revenues, expenses, and vacancies for the subject property if it is and will continue to be income producing;
 - (g) Analyze and report a reasonable marketing period for the subject property and disclose the assumptions used;
 - (h) Analyze and report on current market conditions and trends such as, but not limited to increasing vacancy rates, greater use of rent concessions, or declining sales prices that will affect projected income of the absorption period, to the extent they affect the value of the subject property;
 - (i) Analyze and report appropriate deductions and discounts for any proposed construction, or any completed properties that are partially leased or leased at other than market rents as of the date of the appraisal, or any tract developments with unsold units;
 - (j) Include in the certification required by the USPAP, an additional statement that the appraisal assignment was not conditioned upon the appraisal producing a specific value or a value within a given range or on whether a loan application is approved;
 - (k) Contain sufficient supporting documentation with all pertinent information reported including acceptance or rejection of a third-party study and its impact on value so that the appraiser's logic, reasoning, judgment, and analysis in arriving at a ~~final~~ conclusion will enable the reader to understand the reasonableness of the conclusion;

- (l) Include a legal description in addition to, and not in lieu of, the description required in the USPAP of the real property being appraised;
 - (m) Identify and separately value any personal property, fixtures, or intangible items that are not real property but are included in the appraisal, and discuss the impact of their inclusion, or exclusion, on the estimate of the market value; and
 - (n) Follow a reasonable valuation method that addresses the direct sales comparison, income, and cost approaches to market value, reconciles those approaches, and explains the elimination of each approach not used. If information required or deemed pertinent to the completion of an appraisal is unavailable, that fact shall be disclosed and explained in the appraisal report.
- B. An appraiser shall perform all appraisals, reviews, or consultations with impartiality, objectivity, and independence, without any direct or indirect interest in the property.

~~40.2~~ § 125-40-705 Signature and Signed Certification on Appraisal Reports.

- A. If an appraisal report is prepared and signed by CNMI Licensed appraiser, the appraisal report shall state, immediately following the signature on the report, "CNMI Licensed Appraiser" and the appraiser's license number and expiration date.
- B. If an appraisal report is prepared and signed by a CNMI Certified appraiser, the appraisal report shall state, immediately following the signature on the report, "CNMI Certified Appraiser" and the appraiser's license number and expiration date.
- C. Appraisal reports prepared by an appraiser trainee shall be approved and signed by a certified appraiser.
- D. USPAP requires that each written or electronic report include a signed certification. An appraiser who signs any part of the report must also sign the certification.

~~40.3~~ § 125-40-710 Records and Appraisal Report Retention Requirement.

- A. Every licensed appraiser shall retain originals or true copies of appraisal contracts, appraisals, and all supporting data and documents for a period of five years.
- B. The five-year period shall commence upon date of delivery of the appraisal report to the client, provided that; if the appraiser is notified that the appraisal or appraisal report is involved in litigation, the five-year period shall commence upon the date of the final disposition of the litigation.
- C. The appraiser shall make all records available, upon request, to the Board or the Board's authorized delegate.

PART ~~X4~~ 800 ADVERTISING PRACTICES

~~41.4~~ § 125-40-801 Advertising Practices.

A licensee advertising through any media shall be identified as a Licensed Real Property Appraiser - Federally Related Transactions, Certified Residential Real Property Appraiser - Federally Related Transactions, Certified General Real Property Appraiser - Federally Related Transactions, Licensed Real Property Appraiser - Non-Federally Related Transactions, or Licensed General Real Property Appraiser -

Non- Federally Related Transactions by listing the appropriate designated licensed or certified status and the appraiser's license number. For purposes of this section, "media" includes, but is not limited to, newspapers, magazines, calling cards, and directories, including all listing in telephone directories.

**PART ~~XXI~~ 900 DISCIPLINARY ACTION: REPRIMAND, SUSPENSION OR REVOCATION;
REFUSAL TO ISSUE, RESTORE OR RENEW; PLACE ON PROBATION OR CONDITIONING OF
LICENSE**

~~12.1~~ § 125-40-901 Grounds for Disciplinary Action

- (a) The Board shall have the power to impose administrative penalty and/or reprimand, revoke or suspend, refuse to issue, restore, or renew; place on probation or condition in any manner the license to any real property appraiser who is found guilty of one or more of the following violations:
1. The practice of any fraud or deceit in obtaining or attempting to obtain or renew the license; or Any negligence, incompetence, or misconduct in the practice of real property appraisal; or
 2. Failing to comply with the Uniform Standards of professional Appraisal Practice, as amended; or
 3. Performing for any valuable consideration, an appraisal assignment that is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion or upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment; or
 4. Conviction of, or pleading nolo contendere to any felony or any crime that is related to the profession either in the Commonwealth, U.S. state or territory, or foreign jurisdiction; or
 5. Entrance against the appraiser of a civil or criminal judgment on grounds of fraud, misrepresentation, or deceit in the development or communication of an appraisal; or
 6. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to mislead, deceive, defraud, or harm the public; or
 7. Accepting an appraisal assignment if the employment or fee is contingent upon:
 - (i) The appraiser reporting a predetermined estimate, valuation, analysis, or opinion; or
 - (ii) The consequences resulting from the appraisal assignment.
 8. Paying a finder's or a referral fee to a person who is not a licensed appraiser or in connection with appraisal of real property in the Commonwealth; or
 9. Making a false or misleading statement in that portion of a written appraisal report that deals with professional qualifications; or
 10. Practicing or offering to practice real property appraisal without a valid license issued by the Board; or
 11. Engaging in the business of real property appraisal under an assumed or fictitious name not properly licensed; or
 12. Using or attempts to use as his or her own the license of another; or

13. Using or attempts to use an expired, suspended, or revoked license; or
 14. Aiding or assisting another person in violating any provision of the law or the rules and regulations pertaining thereto; or
 15. Violating any conditions or limitations upon which the license was issued; or
 16. Failure to provide information requested by the Board ~~as a result~~ because of a formal or informal complaint to the Board which would indicate a violation of the law or the rules and regulations; or
 17. Providing false testimony or information to the Board; or
 18. Failing to report to the Board, in writing, any disciplinary action issued against the licensee in another U.S. state or territory, or foreign jurisdiction; or
 19. Using the title "Licensed Real Property Appraiser", "Licensed General Real Property Appraiser" for non-federally related transactions; or "Licensed Real property Appraiser", "Certified Residential Real Property Appraiser", or "Certified General Real Property Appraiser" for federally related transactions, or any title, sign, card, or device to indicate that such person is practicing the profession without having first being licensed in accordance with the law or the rules and regulations; or
 20. Failure to comply with any provisions of the law or the rules and regulations pertaining thereto.
- (b) Upon conviction in a court of law, any person or firm who violates any of the provisions of this Chapter or the rules and regulations promulgated hereunder, shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

§ 125-40-905 Disciplinary Proceedings

(a) Complaint

Proceedings to levy a fine upon a licensee, or to reprimand, suspend, refuse to issue, restore, or renew, or to revoke a license may be initiated by any person who may file charges against the licensee.

- A. All charges filed must be made in writing by the person or persons making them and shall be filed with the Board.
- B. All charges shall be made on forms provided by the Board. The person or persons making the complaint shall sign the complaint.

(b) Probable Cause

When a complaint is received by the Board in which a licensee is charged with a violation, it is referred to an investigative committee designated by the Board consisting of at least one board member and the Board's legal counsel. The members of the Board ~~in on~~ the investigative committee cannot vote at the disciplinary hearing. The investigative committee makes a recommendation to the Board for a determination if probable cause exists for taking further action or for issuing a summons and complaint.

(c) Summons and Complaint

- A. In the event the Board determines that probable cause exists, the Board's legal counsel is requested to prepare a summons and complaint.
- B. The summons and complaint shall show the time, place, and nature of the hearing, a statement of legal authority and jurisdiction under which the hearing is to be held, a reference to the ~~particular~~ section of the statute, rules, or regulations involved, and a short and plain statement of the matters asserted. The summons and complaint shall indicate that at any hearing the accused licensee shall have the right to appear in person or by counsel or both to cross-examine witnesses in his/her defense and to produce evidence and witnesses for his/her own defense.
- C. The summons and complaint shall be personally served or sent by registered mail at least thirty (30) days before the date fixed for the hearing to the licensee's last known address.
- D. If the accused licensee fails or refuses to appear, the Board may proceed to hear and determine the validity of the charges.

(d) Until an investigation is completed, and administrative charges are filed against the licensee, or the matter is referred to the attorney general for criminal prosecution, ~~any and~~ all matters related to the allegation(s) including the name(s) of the party filing such charges, shall be confidential and exempt from disclosure to the public pursuant to applicable law including, but not limited to P. L. 8-41, the Open Government Act of 1992.

(e) The Board shall conduct all hearings pursuant to 1 CMC, Section 9109, Administrative Procedures - Conduct of Hearings.

(f) The members of the Board presiding at hearings may:

- 1. Administer oaths and affirmations;
- 2. Issue subpoenas to compel the attendance of witnesses and the production of records and documents;
- 3. Rule on offers of proof and receive relevant evidence;
- 4. Take depositions or have depositions taken when the ends of justice would be served;
- 5. Regulate the course of the hearing;
- 6. Hold conferences for the settlement or simplification of the issues by consent of the parties;
- 7. Dispose of procedural requests or similar matters; and
- 8. Make or recommend orders or decisions in accordance with the law, rules, or regulations.

(g) It shall require a unanimous majority vote of the members of the Board present at the hearing ~~in order~~ to find the accused guilty of the charges preferred, and if found guilty the Board may, in its discretion, either suspend or revoke the license of the accused.

(h) The Board shall, upon concluding the hearing, issue findings, decisions, and orders within 30 days.

~~42-3~~ **§ 125-40-910 Disciplinary Action.**

- (a) If the accused is found guilty, he/she shall be subject to the following:

- (1) refusal or denial of license or certificate;
- (2) suspension;
- (3) revocation;
- (4) license or certificate with conditions and/or probation;
- (5) fine or civil penalty;
- (6) dismissal of the charges;
- (7) other discipline as appropriate and permitted by law.

- (b) The Board shall provide that upon concluding the hearing, findings, decisions, and order shall be issued within 30 days.
- (c) Upon failure or refusal to comply with such order of the Board, or upon failure to honor its subpoena, as herein provided, the Board may apply to a court of any jurisdiction to enforce compliance with same.

PART ~~XIV~~. 1000 REINSTATEMENT OF LICENSE

~~13.1~~ § 125-40-1001 Reinstatement of Suspended License. A person whose license has been suspended may apply for reinstatement of the license upon complete compliance with any term or condition imposed by the order of suspension. The application for reinstatement shall be accompanied by the appropriate fees, application, required continuing education hours, and/or any other additional documents or information the Board deems appropriate.

~~13.2~~ § 125-40-1005 Revoked License. Upon the expiration of at least two years from the effective date of the revocation of the license, a person may apply for a new license by filing an application and complying with all current requirements for new applicants. The granting or denying of such application shall be at the discretion of the Board after evaluating such application consistent with the statutory and regulatory requirements relating thereto.

~~13.3~~ § 125-40-1010 Relinquishment No Bar to Jurisdiction. The forfeiture, non-renewal, surrender, or voluntary relinquishment of a license by an appraiser shall not bar jurisdiction by the Board to proceed with any investigation, action, or proceeding against the appraiser to revoke, suspend, condition, or limit the appraiser's license.

~~13.4~~ § 125-40-1015 Judicial Review. Any person aggrieved by a final decision and order of the Board in a contested case is entitled to judicial review thereof according to law.

PART ~~XV~~. 1100 UNAUTHORIZED PRACTICE AS AN APPRAISER

~~14.1~~ § 125-40-1100 Compensation for Unauthorized Activity; Civil Action.

The failure of any person to maintain a current and valid license prior to engaging in any activity requiring licensure by the Board shall prevent such person from recovering in a civil action for work or services performed on a contract or on any legal basis to recover the reasonable value thereof.

PART ~~XV~~. 1200 PUBLICATION OF ROSTER

~~15.1~~ § 125-40-1201 Publication of Roster.

The Board shall prepare annually a roster showing the name and place of business of ~~each individual~~ everyone holding a license as a CNMI Licensed appraiser or a CNMI Certified appraiser. The roster shall be sent to the Appraisal Subcommittee by January 15 of each year.

PART ~~XV~~ 1300 FEES

~~16.1~~ § 125-40-1301 Fees.

The fees for licensure shall be as follows:

- A. Application Fee\$100.00
- B. Licensure Fee.....\$100.00
- C. Registry Fee (2-year period at \$40 per year) \$ 80.00
(to be transmitted to the Appraisal Subcommittee)
- D. Temporary Practice Application & License Fee.....\$125.00
- E. Renewal Fee.....\$100.00
- F. Inactive Fee.....\$50.00
- G. Reactivation Fee.....\$100.00
- H. Reinstatement Fee.....\$100.00
- I. Examination Fee shall be as provided by contract with a professional testing organization.
- J. Local Examination Fee.....\$100.00
- K. Delinquent Fee (every month). \$ 25.00

The application fees shall be nonrefundable. The registry fees may be increased if the Appraisal Subcommittee ~~so~~ informs the Board of the increase; and may be imposed on licensees without notice. Failure to pay an increase of the registry fee within sixty days of notification to do so shall result in license automatically invalid.

~~16.2~~ § 125-40-1305 Form of Fee. The fees, if in the form of a money order or check, shall be made payable to the CNMI Treasurer.

~~16.3~~ § 125-40-1310 Dishonored Checks Considered Failure to Meet Requirements.
The dishonoring of any check upon first deposit shall be considered a failure to meet requirements.

~~16.4~~ § 125-40-1315 Fees Deposited; Transmittal Appraisal Subcommittee

- A. All fees shall be deposited in the general fund of the CNMI.
- B. The registry fees shall be transmitted by the Board to the Appraisal Subcommittee bi-annually as required by regulations.



Commonwealth of the Northern Mariana Islands
HEALTH CARE PROFESSIONS LICENSING BOARD

P.O. Box 502078, Bldg., 1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670) 664-4809 Fax: (670) 664-4814
Email: cnmi@cnmibpl-hcplb.net
Website: cnmibpl-hcplb.net



**NOTICE OF PROPOSED AMENDMENTS TO THE
HEALTH CARE PROFESSIONS LICENSING BOARD FOR
Clinical Psychology Associate**

INTENDED ACTION TO ADOPT THIS PROPOSED REGULATION: The Health Care Professions Licensing Board (HCPLB) intends to adopt as permanent regulation the attached Proposed Amendment, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The regulation would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC § 9105(b)).

AUTHORITY: The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to 3 CMC § 2206(b), as amended.

THE TERMS AND SUBSTANCE: The HCPLB proposed to amend the regulations to include a new section for the licensure of a Clinical Psychology Associate which was inadvertently not included in the last adoption of these regulations. This additional regulation was included in the prior regulations for psychologist, Part 1100 § 140-50.1-1105 **Clinical Psychology Associate** (published at Vol. 11 (09/15/1989) and adopted at Vol. 11 (12/15/1989) of the Commonwealth Register) and Part of 4700, NMIAC Title 140 and repealed at Vol 43 No 05 (05/28/21) of the Commonwealth Register.

THE SUBJECTS AND ISSUES INVOLVED: The proposed amendments to the regulations is to add a new section as:

1. § 185-10-4955 - Clinical Psychology Associate

DIRECTIONS FOR FILING AND PUBLICATION: The Board is soliciting comments regarding this proposed amendment which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed amendment by contacting us at 664-4808/09 or by email to info@cnmilicensing.gov.mp or come by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be dropped off at our office or sent to the BPL, P.O. Box 502078, Saipan, MP, 96950.

Submitted By: 

Esther S. Fleming
Executive Director

4/28/23
Date

Received By: 

Oscar M. Babauta
Special Assistant for Administration

5/03/23
Date

185-10 HEALTH CARE PROFESSIONS LICENSING BOARD

Filed and Recorded By:

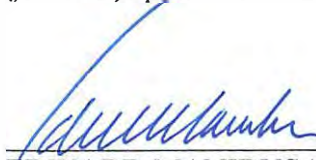


Esther San Nicolas
Commonwealth Registrar

4.28.23

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 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).



EDWARD MANIBUSAN
Attorney General

4/28/2023

Date



Commonwealth gi Sankattan na Islas Mariñas
HEALTH CARE PROFESSIONS LICENSING BOARD
P.O. Box 502078, Bldg., 1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670) 664-4809 Fax: (670) 664-4814
Email: cnmi@cnmibpl-hcplb.net
Website: cnmibpl-hcplb.net



**NUTISIA PUT I MANMAPROPONI NA AMENDA SIHA GI
HEALTH CARE PROFESSIONS LICENSING BOARD PARA
Clinical Psychology Associate**

I AKSION NI MA'INTENSIONA PARA U MA'ADAPTA ESTI I MANMAPROPONI NA REGULASION SIHA: I Health Care Professions Licensing Board (HCPLB) ha intensiona para u adapta komu petmanienti na regulasion i mañechettun na Manmaproponi na Amenda, sigun gi manera nu i Akton i Procedure, 1 CMC §9104(a). I regulasion siempri umifektibu gi dies (10) dihas dispues di "compliance" yan 1 CMC §§9102 yan 9104(a) pat (b) (1 CMC §9105(b)).

ATURIDÁT: I Health Care Professions Licensing Board gai istatua na aturidát para u cho'gui yan na'ifektibu i regulasion siha sigun para 3 CMC §2206(b), komu ma'amenda.

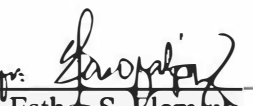
I TEMA YAN SUSTANSIAN I PALÁBRA SIHA: I HCPLB mamproponi para u amenda i regulasion siha para u inklusu i nuebu na seksiona para i licensure nu i Clinical Psychology Associate ni ti ma'intensiona ti para u mana'hálum gi halum i uttimu na adaptación nu esti na regulasion siha. Esti ottru mäs na regulasion ginen mana'hálum gi ma'pus na regulasion para psychologist, Pätti 1100 §140-50.1-1105 **Clinical Psychology Associate** (mapupblika gi Vol. 11 (09/15/1989) yan ma'adapta gi Vol. 11 (12/15/1989) gi Rehistran Commonwealth) yan Pätti nu 4700, NMIAC Titulu 140 yan madiroga gi Vol 43 No 05 (05/28/21) gi Rehistran Commonwealth.

SUHETU YAN ASUNTU NI TINEKKA: I manmaproponi na amenda gi regulasion siha sa' para u mana'hálum i nuebu na seksiona komu:

1. §185-10-4955 – Clinical Psychology Associate

DIREKSIÓN PARA U MAPEGA YAN PUPBLIKASIÓN: I Kuetpu mamamaisin upiñon siha put esti i manmaproponi na amenda ni debi di u marisibi ni i Kuetpu gi hálum i trenta (30) dihas gi primet na pupplikasion esti na nutisia gi hálum i Rehistran Commonwealth. I intirisáo na petsona siha siña marikuesta kopian i manmaproponi na amenda. Ágang ham gi 664-4808/09 pat email gi info@cnmilicensing.gov.mp pat bisita i ufisinan-mâmi ni gaigi gi Bldg. 1242, Pohnpei Ct., Capito Hill, Saipan. I tinigi' upiñon siha put esti na amenda siha debi na u machuli' guatu gi ufisinan-mâmi pat na'hânáo para i BPL, P. O. Box 502078, Saipan, MP 96950.

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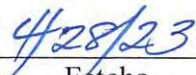

Esther S. Fleming
Executive Director

4/28/23
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Rinisibi as:


Oscar M. Babauta

Ispisiât na Ayudânti para i Atministrasiôn

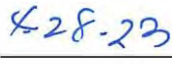

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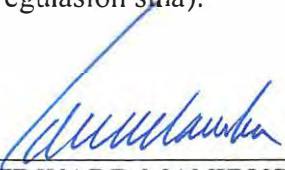
Ninota as:


Esther San Nicolas

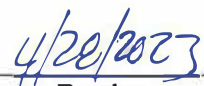
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Sigun i 1 CMC § 2153(e) (I Abugâdu Henerât ha aprueba i regulasion siha na para u macho'gui kumu fotma) yan 1 CMC § 9104(a) (3) (hentan inaprueban Abugâdu Henerât) i manmaproponi na Regulasion siha ni mañechettun guini ni manmaribisa yan manma' aprueba kumu fotma yan sufisienti ligât ginin i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153(f) (pupublikasion i areklamentu yan regulasion siha).


EDWARD MANIBUSAN

Abugâdu Hinirât


Fetcha



Commonwealth Téel Faliw kka Efáng Ilól Marianas
HEALTH CARE PROFESSIONS LICENSING BOARD

P.O. Box 502078, Bldg., 1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
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Website: cnmibpl-hcplb.net



ARONGORONGOL TOULAP REEL PPOMMWOL LIIWEL NGÁLI
HEALTH CARE PROFESSION LICESING BOARD NGÁLI
Clinical Psychology Associate

MÁNGEMÁNGIL MWÓGHUT REEL ADÓPTAAL PPWOMMWOL MWÓGHUTUGHUT:
Health Care Professions Licensing Board (HCPLB) re mángemángil rebwe adóptáali Ppwommwol Liiwel ikka e appasch bwe ebwe lléghló, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC §9104(a) ngare (b) (1 CMC §9105(b)).

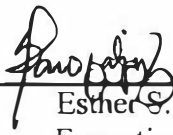
BWÁNGIL: E yoor bwángil Health Care Professions Licensing Board rebwe aronga me isiisiwow mwóghut sáangi 3 CMC §2206(b), igha aa liiwel.

KKAPASAL ME WEEWEEEL: Re ppwommw HCPLB rebwe liiweli mwóghutughut ebwe schuulong ffél táilil ngáli licensure reel Clinical Psychology Associate iye re malléghúúw nge rese aschuulong llól adóptáali mwóghutughut iwe aa takkaló. Mwóghutughut ikka re aschuulong llól mwóghut kkewe e ghommw ngáli psychologists, Part 1100 §140-50.1-1105 **Clinical Psychology Associate** (akkatééwow me Vol. 11 (09/15/1989) me re adóptáali me Vol. 11 (12/15/1989) me Commonwealth Register) me Part of 4700, NMIAC Title 140 me amwóyló me Vol 43 No 05 (05/28/21) me Commonwealth Register.

KKAPASAL ME AUTOL: Ebwe schuulong llól ffél táilil ppwommwol liiwel ngáli mwóghutughut bwe:

1. §185-10-4955 - Clinical Psychology Associate

AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Board re tingór kkapas ikka e súllúngáli ppommwol liiwel kkal re bwughi sáangi Board llól eliigh (30) ráál mwiril aal ghommwal akkatééwow me llól Commonwealth Register. Schóó kka re tipáli rebwebweibwogh pappidil ppommwol liiwel kkaal rebwe faingi ghámem me 664-4808-09 ngáre email me info@cnmilicensing.gov.mp ngáre mweteló bwulasiyo iye e lo Bldg. 1242, Pohnpei Ct., Asúngúl, Seipél. Ischil kkapas wóól liiwel kkaal ebwe isiisiló bwulasiyo ngáre afanga ngáli BPL, P.O. Box 502078, Saipan, MP, 96950.

Isáliyalong: 

Esther S. Fleming
Executive Director

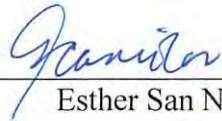
4/28/23
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Bwughiyal: 

Oscar M. Babauta
Special Assistant ngáli Administration

4/29/23
Ráál

Ammwelil:

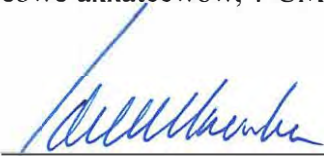


Esther San Nicolas
Commonwealth Registrar

7.28.23

Ráál

Sáangi 1 CMC §2153(e) (sáangi átirowal AG reel mwóghutughut bwe aa lléghló reel fféerúl) me 1 CMC § 9104(a) (3) (sáangi átirowal AG) reel ppwonnwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me aa lléghló reel fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalapal CNMI me ebwe akkatééwow, 1 CMC §2153(f) (akkatééwowul allégh me mwóghutughut).



EDWARD MANIBUSAN
Soulemelemil Allégh Lapalap

4/28/2023

Ráál

SUBCHAPTER 185-10

COMMONWEALTH HEALTH CARE PROFESSIONS LICENSING BOARD REGULATIONS

Part 4900 - Psychology

§ 185-10-4901	Definitions
§ 185-10-4905	Scope of Practice
§ 185-10-4910	Education and experience requirements for licensure.
§ 185-10-4915	Doctoral Degree Program.
§ 185-10-4920	Practicum
§ 185-10-4925	Pre-internship
§ 185-10-4930	Internship
§ 185-10-4935	Post-doctoral supervised experience.
§ 185-10-4940	Written Exam
§ 185-10-4945	Failure of written examinations.
§ 185-10-4950	Qualifications for granting of license by endorsement.
§ 185-10-4955	Continuing Education Requirements.
§ 185-10-4955	Clinical Psychology Associate

§ 185-10-4901 Definitions

- (1) **“Board”** means the Health Care Professions Licensing Board.
- (2) **“EPPP”** means the Examination for Professional Practice in Psychology.
- (3) **“Practice of Clinical Psychology”** means:
 - (a) a person who represents himself/herself to be a clinical psychologist when he/she holds himself out to the public by any title or description of services incorporating the words “clinical psychology,” “clinical psychologist,” or offers to render or renders services as defined below to individuals, groups, organizations or the public;
 - (b) the rendering to individuals, groups, organizations or the public any psychological service involving the application of principles, methods and procedures of understanding, predicting and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions and interpersonal relationships; the methods and procedures of interviewing, counseling and psychotherapy; constructing, administering and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotion and motivation, and of assessing public opinion;
 - (c) the application of said principles and methods, including, but not limited to, diagnosis, prevention and amelioration of adjustment problems, and emotional and mental disorders of individuals and groups, substance use disorders, disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability, hypnosis, educational and vocational counseling, personnel selection and management, the evaluation and planning for effective work and learning situations, advertising and market research and the resolution of interpersonal and social conflicts; or
 - (d) psychotherapy by the use of learning, conditioning methods and emotional reactions, in a professional relationship, to assist a person or persons to modify feelings, attitudes and behavior which are intellectually, socially or emotionally maladjustive or ineffectual.
 - (e) Consultation with other psychologists, physicians, other health care professionals and clients regarding all available treatment options, including medication, integrated care with respect to provision of care for a specific client;
 - (f) Provision of direct services to individuals and/or groups for the purpose of enhancing individual and thereby organizational effectiveness, using psychological principles, methods and/or procedures to assess and evaluate individuals on personal characteristics for individual development and/or behavior change or for making decisions about the individual, such as selection;
 - (g) The supervision of any of the above.

§ 185-10-4905 Scope of Practice

“To practice psychology” means to render or offer to render for a fee, non-monetary payment, or gratis to individuals, groups, organizations, or the public for the diagnosis, prevention, treatment, or amelioration of psychological problems and emotional and mental disorders of individuals or groups or for conducting research on human behavior, a psychological service involving the application of psychological principles, methods, and procedures of understanding, predicting, and influencing behavior, including:

- (1) the principles pertaining to learning, perception, motivation, emotions, and interpersonal relationships;
- (2) the methods and procedures for interviewing, counseling, psychotherapy, biofeedback, behavior modification, and hypnosis;
- (3) constructing, administering and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivations

§ 185-10-4910 Education and experience requirements for licensure.

- (1) To obtain a license, applicants must complete:
 - (a) A doctoral degree program as described in NMIAC § 185-10-4915
 - (b) A practicum of at least 300 hours as described in NMIAC § 185-10-4920; and
 - (c) An experience requirement consisting of no fewer than two (2) years supervised experience totaling 3,000 hours that includes:
 - (i) A minimum of 1,500 hours of supervised experience that must be completed as an internship experience as outlined in NMIAC § 185-10-4930.
 - (ii) The remaining 1,500 supervised hours may be obtained through:
 - (A) A pre-internship as described in NMIAC § 185-10-4925;
 - (B) A postdoctoral experience as described in NMIAC § 185-10-4935; or
 - (C) A combination of pre-internship and postdoctoral experience.
- (2) The order of supervised experience must be graduated from more intensive to less intensive supervision.

§ 185-10-4915 Doctoral Degree Program.

An applicant must possess a doctoral degree from a regionally accredited institution. Regional accreditation is awarded to an institution by one of the regional accrediting agencies, each of which covers a specified portion of the United States and its territories, or equivalent accreditation in another country, upon approval by the board.

TITLE 185-10 HEALTH CARE PROFESSIONS LICENSING BOARD

- (1) The doctoral degree program must include:
 - (a) At least forty (40) semester credits, or sixty (60) quarter credits, of graduate courses in curriculum areas described in subsection (3) of this section.
 - (i) Courses must be clearly identified by title and course content as being part of an integrated psychology program.
 - (b) One (1) year in residency as described in subsection (4) of this section;
 - (c) Completion of an original dissertation which is psychological in nature and endorsed by the program; and
 - (d) An organized sequential and coordinated practicum and internship experience as described in NMIAC § 185-10-4920 and § 185-10-4930.
- (2) The curriculum requirements: The doctoral degree program must encompass a minimum of three (3) academic years of full-time graduate study or the equivalent.
- (3) The applicant must complete three (3) or more semester credits, or five (5) or more quarter credits, of core study in each of the following content areas:
 - (a) Biological bases of behavior. For example: Physiological psychology, comparative psychology, neural bases of behavior, sensation and perception, and biological bases of development;
 - (b) Cognitive-affective bases of behavior. For example: Learning, thinking, motivation, emotion, and cognitive development;
 - (c) Social bases of behavior. For example: Social psychology, organizational theory, community psychology, and social development;
 - (d) Individual differences. For example: Personality theory and psychopathology;
 - (e) Scientific and professional ethics;
 - (f) History and systems of psychology;
 - (g) Statistics and psychometrics;
 - (h) Research design and methodology;
 - (i) Techniques of data analysis;
 - (j) Human development. For example: Developmental psychology, child development, adult development and aging;
 - (k) Cultural and individual differences and diversity;

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- (l) Psychopathology and dysfunctional behaviors;
 - (m) Theories and methods of assessment and diagnosis-minimum of two (2) courses;
 - (n) Effective psychological intervention and evaluation of the efficacy of interventions-minimum of three (3) courses; and
 - (o) Psychopharmacology.
- (4) Doctoral degree programs accredited by the American Psychological Association (APA) or the Canadian Psychological Association (CPA) are recognized as having met the minimum education requirements.
- (5) Residency requirement:
- (a) The doctoral degree program must involve at least one (1) continuous year of full-time residency at the institution which grants the degree or a minimum of 750 hours of student-faculty contact involving face-to-face individual or group educational meetings.
 - (b) Effective upon the adoption of the 2021 revisions, applicants who can verify that they enrolled in their program prior to June 3, 2021, may apply with a residence of 500 hours. In this circumstance, one (1) continuous year means a minimum of 500 hours of student-faculty contact involving face-to-face individual or group educational meetings. Such educational meetings must include both faculty-student and student-student interaction, be conducted by the psychology faculty of the institution as documented by the applicant and the institution and relate substantially to the program components specified. Applicants applying under this provision shall submit full documentation that they have met this requirement, which must include a detailed description of the content of the 500 hours of educational meetings and be verified by the administration of the doctoral program.
 - (c) Educational meetings:
 - (i) Must include both faculty-student and student-student interaction;
 - (ii) Be conducted by the psychology faculty of the institution at least 75% of the time;
 - (iii) Be fully documented by the institution and the applicant; and
 - (iv) Relate substantially to the program components specified.

§ 185-10-4920 Practicum

Applied experience: The doctoral degree program required in NMIAC § 185-10-4915 must include a practicum of at least two (2) semesters or three (3) quarters and at least 300 hours of direct experience, 100 hours of which must be in supervision. Supervision must include the following:

- (1) Discussion of services provided by the student;
- (2) Selection of service plan for and review of each case or work unit of the student;

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- (3) Discussion of and instruction in theoretical concepts underlying the work;
- (4) Discussion of the management of professional practice and other administrative or business issues;
- (5) Evaluation of the supervisory process by the student and the supervisor;
- (6) Discussion of coordination of services among the professionals involved in the particular cases or work units;
- (7) Discussion of relevant state laws and rules;
- (8) Discussion of ethical principles including principles applicable to the work;
- (9) Review of standards for providers of psychological services; and
- (10) Discussion of reading materials relevant to cases, ethical issues and the supervisory process.

§ 185-10-4925 Pre-internship

A pre-internship experience occurs between the practicum required by NMIAC § 185-10-4925 and internship required by NMIAC § 185-10-4930. A pre-internship can include up to 1,500 hours of supervised experience but is not required. If pre-internship experience is used to satisfy the experience requirement of NMIAC § 185-10-4910(1)(c), it must meet the following requirements:

- (1) Before beginning the program, the student, the doctoral program, and the pre-internship program must agree on and document the goals, the student's expectations, and the methods of the pre-internship experience. The goals must meet the requirements of this section.
- (2) Every twenty (20) hours of pre-internship experience must include the following:
 - (a) At least two (2) hours of regularly scheduled, formal, face-to-face individual supervision that addresses the direct psychological services provided by the student; and
 - (b) At least two (2) hours of other learning activities such as case conferences, seminars on applied issues, conducting co-therapy with a staff person including discussion of the case, and group supervision.
- (3) At least 60% of the pre-internship experience must be direct client contact providing assessment and intervention services.
- (4) The pre-internship experience must be supervised by a licensed psychologist with two (2) years post-license experience who is primarily responsible for the assigned casework.
 - (a) The primary supervisor should be on site as well as a (w-9) employee or in contract status with the agency. The board could grant an exception or waiver of this requirement provided that the supervisee and the post-doctoral supervisor petition the board prior to the start of the pre-internship with their reasoning for why the supervisor could not be on site

and an employee of the agency and suggest an alternative procedure to ensure the supervisee is getting appropriate supervision and the public is protected. If a waiver is granted, the supervisor still will routinely, on a fixed schedule, visit the site and conduct face-to-face supervision. Also, the supervisee will travel to the supervisor and have face-to-face supervision at that site.

- (b) At least 75% of the supervision must be by a licensed psychologist with two (2) years post-license experience and is primarily responsible for the supervision and can delegate the other 25% of time to the other professional noted below in (b). The primary supervisor and delegated supervisor must coordinate and discuss the application.
- (c) Up to 25% of the supervision may be completed by the following:
 - (i) A psychiatrist(s) with three (3) years of experience beyond residency;
 - (ii) A licensed mental health counselor(s) with five (5) years' post-license experience;
 - (iii) A licensed marriage and family therapist(s) with five (5) years of post-license experience;
 - (iv) A licensed advanced social worker(s) or licensed independent clinical social worker(s) with five (5) years' post-license experience; or
 - (v) A doctoral level psychologist(s) with four (4) years of post-doctoral experience.
- (d) Supervision of the pre-internship experience must include the following:
 - (i) Discussion of services provided by the student;
 - (ii) Selection of service plan for and review of each case or work unit of the student;
 - (iii) Discussion of and instruction in theoretical concepts underlying the work;
 - (iv) Discussion of the management of professional practice and other administrative or business issues;
 - (v) Evaluation of the supervisory process by the student and the supervisor;
 - (vi) Discussion of coordination of services among the professionals involved in the particular cases or work units;
 - (vii) Discussion of relevant state laws and rules;
 - (viii) Discussion of ethical principles including principles applicable to the work;
 - (ix) Review of standards for providers of psychological services; and

- (x) Discussion of reading materials relevant to cases, ethical issues and the supervisory process.

§ 185-10-4930 Internship

Applicants must successfully complete an organized internship as part of the doctoral degree program described in NMIAC § 185-10-4915.

- (1) The internship must include at least 1,500 hours of supervised experience and be completed within twenty-four (24) months.
- (2) The internship program must:
 - (a) Be accredited by the American Psychological Association (APA); or
 - (b) Be a member program of the Association of Psychology Postdoctoral and Internship Centers (APPIC); or
 - (c) Meet the following requirements:
 - (i) Organization of the internship program.
 - (A) The internship must have a written statement or brochure describing the goals and content of the internship, stating clear expectations and quality of student work, and made available to prospective interns.
 - (B) A psychologist licensed by the appropriate state or provincial licensing authority must be clearly designated as responsible for the integrity and quality of the internship program.
 - (C) Interns must use titles indicating their training status.
 - (ii) Content of the internship program.
 - (A) The internship must be designed to provide a planned sequence of training experiences focusing on breadth and quality of training. Supervision and training related to ethics must be ongoing.
 - (B) At least 25% of the internship experience must be in direct client contact providing assessment and intervention services.
 - (C) For every forty (40) hours of internship experience, the student must receive:
 - (I) At least two (2) hours of regularly scheduled, formal, face-to-face individual supervision that addresses the direct psychological services provided by the intern; and

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- (II) At least two (2) hours of other learning activities such as case conferences, seminars on applied issues, conducting co-therapy with a staff person including discussion of the case, and group supervision.
- (iii) Supervision of the internship experience.
 - (A) The internship setting must have two (2) or more clinical supervisors trained in psychology, at least one (1) of whom is licensed as a psychologist.
 - (B) The internship experience must be supervised by a licensed psychologist who is primarily responsible for the assigned casework.
 - (I) At least 75% of the supervision must be by a licensed psychologist with two (2) years post-license experience.
 - (II) Up to 25% of the supervision may be completed by the following:
 - 1. A psychiatrist(s) with three (3) years of experience beyond residency;
 - 2. A licensed mental health counselor(s) with five (5) years of post-license experience.
 - 3. A licensed marriage and family therapist(s) with at least five (5) years of post-license experience;
 - 4. A licensed advanced social worker(s) or licensed independent clinical social worker(s) with five (5) years' post-license experience; or

§ 185-10-4935 Post-doctoral supervised experience.

A total of 3,000 hours of supervised experience must be completed, of which a minimum of 1,500 hours of supervised experience must be obtained after the receipt of the doctoral degree.

- (1) Hours of Supervised Experience.
 - (a) Each year (or equivalent) shall be comprised of no less than ten (10) months, but no more than twenty (20) months, and at least 1,500 hours of professional service including direct client contact, supervision, and didactic training;
 - (b) One (1) year may be a doctoral internship which consists of a minimum of 1,500 hours of actual work experience (exclusive of holidays, sick leave, vacations or other such absences);
 - (c) At least 50% of the supervised experience must be in service-related activities such as treatment/intervention, assessment, interviews, report writing, case presentations, or

consultations;

- (d) At least 50% of service-related activities shall be direct client contact; a maximum of forty-five (45) hours per week, including supervision time, may be credited toward meeting the supervised experience requirement;
- (e) Supervision shall be provided 10% of the total time worked per week;
- (f) A minimum of two (2) hours per week of supervision, one (1) hour of which is individual face-to-face, in-person supervision by a licensed psychologist. At the Board's discretion, tele-supervision may be approved.

(2) Organization of the post-doctoral supervised experience.

- (a) The supervisor is ethically and legally responsible for all supervisee work covered by the supervision agreement. Therefore, the supervisor has authority to alter service plans and direct the course of psychological work.
- (b) Supervisees must use titles indicating their training status, such as "psychological resident," "psychology intern," or "psychology supervisee."
- (c) Clients must be informed of the identity and responsibilities of the supervisor and how they can speak directly to the supervisor.
- (d) Services rendered by the supervisee must not be represented to third parties as having been rendered by the supervisor. Insurance forms must be filled out indicating the nature of the supervisory relationship.

(3) The supervisor and supervisee must have a written agreement for supervision, including:

- (a) The area(s) of professional activity in which supervision will occur;
- (b) Hours of supervision and/or ratio of supervision to professional activity;
- (c) Fees for supervision, if any;
- (d) Processes for supervision including mode(s) of supervision, expectations for recordkeeping, evaluation, and feedback;
- (e) Relevant business arrangements;
- (f) How the supervisee will represent himself or herself; and
- (g) How disagreements will be handled.

(4) Mode of supervision.

- (a) The preferred mode of supervision is face-to-face discussion between the supervisor and

the supervisee.

- (b) The nature of the supervision may depend on the following:
 - (i) The theoretical orientation of the supervisor;
 - (ii) The training and experience of the supervisee; and
 - (iii) The duration of the supervisory relationship.
- (5) Some direct observation of the supervisee's work is required and the supervisor may use the following:
 - (a) Detailed process notes and progress reports;
 - (b) Audio and/or videotapes;
 - (c) Client supplied information such as behavioral ratings; and
 - (d) One-way mirror observation.
- (6) Supervised experience must be appropriate to the area(s) of professional activity the person intends to practice.
- (7) There must be at least one (1) hour of individual supervision for every twenty (20) hours of psychological work.
- (8) The supervisor and the supervisee must keep records of experience and supervision hours.
- (9) At the end of the supervision period, the supervisor must prepare and forward to the board a written evaluation, including written certification of successfully completed supervised hours of psychological work and any hours not successfully completed. If any hours were not successfully completed, the board may require additional hours of supervision.
- (10) Supervision of the post-doctoral supervised experience.
 - (a) At least 50% of the post-doctoral supervision must be provided by a licensed psychologist with two (2) years post-license experience who is the primary supervisor and is responsible for the supervision and could then delegate up to 50% to another professional in (10) (b) (i-iii).
 - (b) Up to 50% of the supervision may be provided by the following:
 - (i) A licensed psychologist with two (2) years post-license experience;
 - (ii) A psychiatrist with three (3) years of experience beyond residency;
 - (iii) A licensed mental health counselor, a licensed marriage and family therapist, a

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licensed advanced social worker, or a licensed independent clinical social worker, if the supervisor has five (5) years post-license experience.

- (c) The primary post-doctoral supervisor must be on site as well as a (w-9) employee or in contract status with the agency. The board could grant an exception or waiver of this requirement provided that the supervisee and the post-doctoral supervisor petition the board prior to the start of the pre-internship with their reasoning for why the supervisor could not be on site and an employee of the agency and suggest an alternative procedure to ensure the supervisee is getting appropriate supervision. If a waiver is granted, the supervisor still will routinely, on a fixed schedule, visit the site and conduct face-to-face supervision. Also, the supervisee may travel to the supervisor and have face-to-face supervision at that site.

(11) Supervision must include the following:

- (a) Discussion of services provided by the student;
- (b) Selection, service plan, and review of each case or work unit of the student;
- (c) Discussion of and instruction in theoretical concepts underlying the work;
- (d) Discussion of the management of professional practice and other administrative or business issues;
- (e) Evaluation of the supervisory process by the student and the supervisor;
- (f) Discussion of coordination of services among the professionals involved in the particular cases or work units;
- (g) Discussion of relevant State laws and rules;
- (h) Discussion of ethical principles including principles applicable to the work;
- (i) Review of standards for providers of psychological services; and
- (j) Discussion of reading materials relevant to cases, ethical issues and the supervisory process.

(12) Tele-supervision and Supervisory contact.

- (a) In-person supervision must account for at least 50% of any postdoctoral supervision used toward the required 3,000 hours of supervised experience for licensure.
- (b) Tele-supervision or telephonic supervision may account for no more than 50% of postdoctoral supervision hours.
- (c) The supervisor must have a formal policy addressing the utilization of Tele-supervision or telephonic supervision.

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- (d) Tele-supervision or telephonic supervision does not account for more than 50% of the total supervision at the site.
- (e) The doctoral training program shall have a formal policy addressing its utilization of Tele-supervision or telephonic supervision that includes:
 - (i) an explicit rationale for using Tele-supervision or telephonic supervision;
 - (ii) how and when Tele-supervision or telephonic supervision is utilized in clinical training;
 - (iii) how it is determined which trainees can participate in Tele-supervision or telephonic supervision;
 - (iv) how an off-site supervisor maintains full professional responsibility of clinical cases;
 - (v) how non-scheduled consultation and crisis coverage are managed; and
 - (vi) how privacy and confidentiality of the client and trainees are assured.
 - (vii) Any licensed Psychologist providing tele-supervision from outside the CNMI must be licensed by the Board and, if providing services for a fee, must have a CNMI business license to conduct business in the CNMI.
- (f) A person may apply to do more than 50% tele-supervision by requesting in writing their reasons for needing more than 50% tele-supervision. The board may grant or deny any such request at its sole discretion.

§ 185-10-4940 Written Exam

The written or computer examination the Commonwealth of the Northern Marianas Islands uses is the national Examination of Professional Practice in Psychology (EPPP).

- (1) The Association of State and Provincial Psychology Board (ASPPB) is responsible for the development and administration of the national exam.
- (2) To be considered for licensure applicants must meet the ASPPB pass point.

§ 185-10-4945 Failure of written examinations.

An applicant who fails either examination required under NMIAC§ 185-10-4940 may sit for re-examination up to four (4) times a year as follows:

- (1) First re-examination: At any following examination administration date;
- (2) Second or subsequent re-examination: A minimum of two (2) months after the failure of the previous examination.

§ 185-10-4950 Qualifications for granting of license by endorsement.

- (1) Applicants applying for licensure by endorsement shall:
 - (a) Submit official transcripts documenting the completion of a doctoral degree with a primary emphasis on psychology from a regionally accredited institution, or equivalent accreditation from another country.
 - (b) Document that he or she has been licensed as a psychologist in another state or country for at least two (2) years or is a current member of a professional organization identified in subsection (3) of this section.
 - (c) Document that he or she has an active license as a psychologist in another state or country deemed by the board as essentially equivalent, or is a current member of a professional organization identified in subsection (3) of this section.
 - (d) All application documents submitted in a foreign language shall be accompanied by an accurate translation of those documents into English. Translated documents shall bear a notarized affidavit certifying that the translator is competent in both the language of the document and the English language and that the translation is a true and complete translation of the foreign language original. Costs of all documents shall be at the expense of the applicant.
 - (e) Successfully pass the written examination required by NMIAC § 185-10-4940 and Test of English as a Foreign Language (TOEFL) for foreign applicants.
 - (f) All foreign credentials must be evaluated by an organization such as the National of Credential Evaluation Services (NACES) or the Western Evaluation Services (WES) to be paid for by the applicant.
- (2) If the board determines that the applicant's other state or country's licensing-requirements are not essentially equivalent, the applicant must:
 - (a) Provide documentation of meeting Commonwealth of the Northern Marianas Islands licensing requirements in the area(s) the board has determined a state or country of endorsement's requirements are not essentially equivalent.
 - (b) Ensure documents submitted in a foreign language meet the requirements of subsection (1)(d) of this section.
 - (c) If the board determines that the applicant's state or country of endorsement's licensing requirements are not essentially equivalent, the applicant will be provided with a hearing under the Administrative Procedure Act (1 CMC §§ 9101–9115).
- (3) The board shall recognize psychologists as having met the requirements of this chapter who, at the time of application, provide documentation of current membership in any of the following professional organizations:

TITLE 185-10 HEALTH CARE PROFESSIONS LICENSING BOARD

- (a) Health service psychologist credentialed by the National Register of Health Service Psychologists;
- (b) Diplomate from the American Board of Examiners in Professional Psychology;
- (c) Certificate of Professional Qualification in Psychology from the Association of State and Provincial Psychology Boards; or
- (d) Diplomate of the American Board of Professional Neuropsychology.
- (e) The board may recognize additional professional organizations deemed to meet the essential standards of this chapter.

§ 185-10-4955 Continuing Education Requirements.

- (1) A total of thirty (30) credit hours of continuing education within each two (2) year licensure period is required of each licensee to qualify for a renewal. At least twenty (20) of these credit hours must be in the licensee's specific area of practice. Psychologists are required to take six (6) total hours in suicide assessment, treatment, and management every 4 years. Renewal includes four (4) hours of professional ethics and/or CNMI laws and regulations related to the practice of psychology and four (4) hours of cultural competency.

The Board shall prorate the continuing education credit hours requirement for licenses issued less than two (2) years prior to the renewal period.

- (2) Continuing education hours may include:
 - (a) membership in national associations;
 - (i) membership in a national association of the licensee's practice area will provide four (4) credit hours within the renewal period; and
 - (ii) other appropriate national professional association membership will provide two (2) credit hours for each, a maximum of four (4) credit hours within the renewal period;
 - (b) subscription to appropriate professional journals will provide two (2) credit hours per subscription, limited to five (5) subscriptions;
 - (c) attendance of a conference will provide one (1) credit hour for each hour of conference attended (The conference must be within the renewal period.);
 - (d) teaching, workshops and in-service will provide one (1) credit per hour of teaching, workshop or in-service (This is limited to ten (10) credit hours.);
 - (e) speeches or presentation of papers will provide five (5) credit hours each for non-professional audience; ten (10) credit hours each for professional audience;

- (f) publication in a professional journal, any publication within the field, will provide ten (10) credit hours;
 - (g) attendance at local association meetings will provide one (1) point per meeting, up to twelve (12) credit hours;
 - (h) videotapes, webinars, or other audio-visual and print materials prepared by a professional association or educational institution, including other institutions, such as the VA, and approved by the Board, will provide one (1) credit hour for every hour viewed, limited to ten (10) credit hours; or
 - (i) others, as required by discipline.
- (3) The Board, in its sole discretion, may require the licensee to provide receipts, attendance certification or other evidence of participation for credit hours claimed.

§ 185-10-4960 Clinical Psychology Associate

- (1) A person other than a licensed clinical psychologist may be employed by a licensed clinical psychologist or licensed psychiatrist, or by a clinic which provides mental health services, or by a clinical corporation perform limited psychological functions, provided that:
 - (a) Such person is designated as a “clinical psychology associate.”
 - (b) Such person has a master’s degree in psychology or a closely related field such a behavioral science, educational psychology, and guidance and counseling from an accredited school in the U.S.
 - (c) Such a person is at all times under the immediate supervision of a licensed clinical psychologist or licensed psychiatrist who shall be responsible for insuring the extent, kind, and quality of psychological services rendered.
 - (d) No one person or clinic or corporation may employ more than 10 such associates at any time.
- (2) Clinical psychology associates shall comply with regulations that the CNMI Board of Professional Licensing may, from time to time, duly adopt relating to the fulfillment of requirements in education and the delivery of services.



Commonwealth of the Northern Mariana Islands
HEALTH CARE PROFESSIONS LICENSING BOARD
P.O. Box 502078, Bldg., 1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670) 664-4808/09 Fax: (670) 664-4814
Email: info@cnmilicensing.gov.mp
Website: www.cnmilicensing.gov.mp



NOTICE OF PROPOSED REGULATIONS TO THE HEALTH CARE PROFESSIONS LICENSING BOARD FOR

DENTISTS, DENTAL THERAPISTS, DENTAL HYGIENISTS AND DENTAL ASSISTANTS

INTENDED ACTION TO ADOPT THIS PROPOSED REGULATION: The Health Care Professions Licensing Board (HCPLB) intends to adopt as permanent regulation the attached Proposed Amendment, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The regulation would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC § 9105(b)).

AUTHORITY: The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to 3 CMC § 2206(b), as amended.

THE TERMS AND SUBSTANCE: The HCPB proposed to amend the regulations to require CPR certification to the dental professions, allowing not more than 50% of the required continuing education (CE) to include courses in educational presentations, attending professional meetings and allowing unsupervised educational and preventative oral health services provided by CHC. Dental Therapist will also be required to have a valid Practice Agreement on File with the HCPLB.

THE SUBJECTS AND ISSUES INVOLVED: Amendments to these regulations was to add the following:

- 1) require CPR certification in Dentist (§ 185-10-2615(b)(8), Dental Therapists (§ 185-10-2630(a)(6), and Dental Hygienist (§ 185-10-2645(b)(7);
- 2) Increase Dental Therapist CDE requirement from twenty-four (24) hours to thirty (30) hours with 50% or more must be in education in the clinical aspect of dentistry;
- 3) authorize not more than 20 CDE hours in educational presentations, professional meetings, workshops, or symposiums for Dentist (§ 185-10-2615(b)(8), and Dental Therapist (§ 185-10-2615(b)(8), and 12 CDE hours for Dental Hygienist (§ 185-10-2660(b)(8);
- 4) Approved CDE for Dental Therapist may include presentations given or attended, workshops geared toward oral health education in the Commonwealth;
- 5) Supervising dentist is authorized to supervise no more than three (3) dental therapist § 185-10-2635;

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- 6) CHC Dental Therapist may perform services independent of a CNMI-licensed dentist for educational and preventative oral health services § 185-10-2635(d)(1)(i);
- 7) Require Dental Therapist to have a valid Practice Agreement on file with the HCPLB

DIRECTIONS FOR FILING AND PUBLICATION: The Board is soliciting comments regarding this proposed amendment which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed amendment by contacting us at 664-4808/09 or by email at info@cnmilicensing.gov.mp or come by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be dropped off at our office or sent to the BPL, P.O. Box 502078, Saipan, MP, 96950.

Submitted By: 
Esther S. Fleming
Executive Director

4/28/23
Date

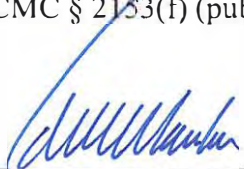
Received By: 
Oscar M. Babauta
Special Assistant for Administration

4/28/23
Date

Filed and Recorded By: 
Esther San Nicolas
Commonwealth Registrar

4-28-23
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 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).


EDWARD MANIBUSAN
Attorney General

4/28/2023
Date



Commonwealth gi Sankattan na Islas Mariñas
HEALTH CARE PROFESSIONS LICENSING BOARD
P.O. Box 502078, Bldg., 1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670) 664-4808/09 Fax: (670) 664-4814
Email: info@cnmilicensing.gov.mp
Website: www.cnmilicensing.gov.mp



**NUTISIA PUT I MANMAPROPONI NA REGULASION SIHA GI
HEALTH CARE PROFESSIONS LICENSING BOARD PARA I
MANDENTISTA, DENTAL THERAPISTS, HYGIENISTS YAN MANAYUDANTI NA
DENTISTA SIHA**

I AKSION NI MA'INTENSIONA PARA U MA'ADAPTA ESTI I MANMAPROPONI NA REGULASION SIHA: I Health Care Professions Licensing Board (HCPLB) ha intensiona para u adapta komu petmanienti na regulasion i mañechettun na Manmaproponi na Amenda, sigun gi manera nu i Akton i Procedure, I CMC § 9104(a). I regulasion siempre umifektibu gi dies (10) dihas dispues di “compliance” yan I CMC §§ 9102 yan 9104(a) pat (b) (1 CMC § 9105(b)).

ATURIDAT: I Health Care Professions Licensing Board gai istatua na aturidat para u cho'gui yan na'ifektibu i regulasion siha sigun para 3 CMC § 2206(b), komu ma'amenda.

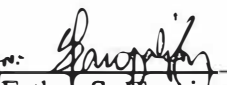
I TEMA YAN SUSTANSIAN I PALABRA SIHA: I HCPLB mampropoponi para u amenda i regulasion siha para u na'prisisu i settifikasion CPR gi profesionat dentista, ni ha sedi ti mas ki 50% nu i mamprisisu na kuntuha edukasion (CE) para u inklusu courses gi halum presentasion edukasion, atendi huntan profesionat yan sedi unsupervised educational yan preventative oral health services ni mapribeni ni CHC. I Dental Therapist siempre lokkui' madimanda para u guaha valid Practice na Kontrata gi File yan i HCPLB.

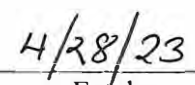
SUHETU YAN ASUNTU NI TINEKKA: I amenda gi esti na regulasion siha sa' put para u mana'danña halum i tinattiya siha:

- 1) na'prisisu i settifikasion CPR gi halum Dentista (§ 185-10-2615(b)(8), Dental Therapists (§ 185-10-2630(a)(6), yan Dental Hygienist (§ 185-10-2645(b)(7));
- 2) aomenta i dinimandan CDE Dental Therapist ginen bentikuattru (24) oras para trenta (30) oras yan i 50% osino mas debi u gaigi gi halum edukasion gi bandan clinical na dentista;
- 3) aturisa ti mas ki 20 CDE na oras gi halum presentasion edukasion, huntan profesionat, workshops, pat symposiums para Dentista (§ 185-10-2615(b)(8), yan Dental Therapist (§ 185-10-2615(b)(8), yan 12 CDE na oras para i Dental Hygienist (§ 185-10-2660(b)(8);
- 4) aprueba i CDE para Dental Therapist ni siña inklusu mannai' pat ma'atendi presentasion na workshops put oral health education gi halum iya Commonwealth;
- 5) I maneneha na dentista ma'aturisa para u maneha taya mas ki tres (3) na dental therapist § 185-10-2635;
- 6) i CHC Dental Therapist siña cho'gui setbisiu independienti nu i CNMI-licensed na dentista para edukasion yan preventative oral health services § 185-10-2635(d)(1)(i);

7) Dimanda Dental Therapist para u guaha ligat na Kuntratan Praktika gi file yan i HCPLB.

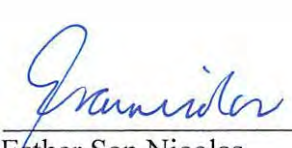
DIREKSIÓN PARA U MAPEGA YAN PUBLIKASIÓ: I Kuetpu mamamaisin upiñon siha put esti i manmaproponi na amenda ni debi di u marisibi ni i Kuetpu gi hálum i trenta (30) dihas gi primet na publikasion esti na nutisia gi hálum i Rehistran Commonwealth. I intirisáo na petsona siha siña marikuesta kopian i manmaproponi na amenda. Ågang ham gi 664-4808/09 pat email gi info@cnmilicensing.gov.mp pat bisita i ufisinan-mâmi ni gaigi gi Bldg. 1242, Pohnpei Ct., Capito Hill, Saipan. I tinigi' upiñon siha put esti na amenda siha debi na u machuli' guatu gi ufisinan-mâmi pat na'hânáo para i BPL, P. O. Box 502078, Saipan, MP 96950.

Nina'hálum as: 
Esther S. Menning
Executive Director


Fetcha

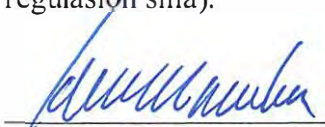
Rinisibi as: 
Oscar M. Babauta
Ispisiát na Ayudánti para i Atministrasió

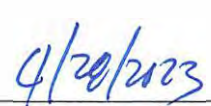

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Pine'lu yan
Ninota as: 
Esther San Nicolas
Rehistran Commonwealth


Fetcha

Sigun i 1 CMC § 2153(e) (I Abugâdu Henerât ha aprueba i regulasion siha na para u macho'gui kumu fotma) yan 1 CMC § 9104(a) (3) (hentan inaprueban Abugâdu Henerât) i manmaproponi na Regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligat ginin i CNMI Abugâdu Henerât yan debi na u mapublika, 1 CMC § 2153(f) (publikasion i areklamentu yan regulasion siha).


EDWARD MANIBUSAN
Abugâdu Hinirât


Fetcha



Commonwealth Téel Falúw kka Efáng Ilól Marianas
HEALTH CARE PROFESSIONS LICENSING BOARD

P.O. Box 502078, Bldg., 1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670) 664-4808/09 Fax: (670) 664-4814
Email: info@cnmilicensing.gov.mp
Website: www.cnmilicensing.gov.mp



**ARONGORONG TOULAP REEL PPWOMMWOL MWÓGHUTUGHUT NGÁLI
HEALTH CARE PROFESSIONS LICENSING BOARD NGÁLI
DENTIST, DENTAL THERAPISTS, DENTAL HYGIENISTS ME DENTAL ASSISTANTS**

MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI PPWOMMWOL MWÓGHUTUGHUT: Health Care Professions Licensing Board (HCPLB) re mángemángil rebwe adóptááli Ppwommwol Liiwel kkal bwe ebwe lléghló, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló mwóghutughut kkaal seigh (10) ráál mwiril aal angúungú fengál me 1 CMC §§ 9102 me 9104(a) ngáre (b) (1 CMC § 9105)).

BWÁNGIL: Eyoor bwángil Health Care Professions Licensing Board reel rebwe aronga me ayoorai mwóghutughut sáangi 3 CMC § 2206(b), igha aa liiwel.

KKAPASAL ME WEEWEEL: HCPB re ppwomw rebwe liiweli mwóghutughut ebwe yoor CPR certification ngáliir dental professions, mweiti ngáliir mille 50% nge essóbw up tomwógh sáangi 50% reel mille e lo bwe “required continuing education (CE) ebwe bwal schuulong courses llól educational presentations, rebwe tuutá llól professional meeting me lighiti ngáliir unsupervised educational me preventative oral health services iye e tutto sáangi CHC. Ebwe yoor aar Dental Therapost mille valid Practice Agreement ebwe yoor ammwelil fengál me HCPLB.

KKAPASAL ME AUTOL: Liiwel ngáli mwóghutughut ebwe bwal schuulong reel ikka e anwirimwiritiw:

- 1) nisisita CPR certification llól Dentist (§ 185-10-2615(b)(8), Dental Therapists (§ 185-10-2630(a)(6), Me Dental Hygienists (§ 185-10-2645(b)(7));
- 2) Ebwe lapaló mille Dental Therapist CDE requirement sáangi ruweigh me faawu (24) oora ngáli eliigh (30) oora fengál me 50% ngáre maas me e lo llól education llól clinical aspect reel dentistry;
- 3) essóbw aluuló ruweigh (20) CDE oora llól educational presentations, professional meetings, Workshops, ngáre symposiums ngáli Dentist (§ 185-10-2615(b)(8), me Dental Therapist (§ 185-10-2615(b)(8), me 12 CDE oora ngáli Dental Hygienist (§ 185-10-2660(b)(8);
- 4) Átirow CDE ngáli Dental Therapist ebwe bwal schuulong presentation ikka e isiisiwow ngáre e tabweey, workshop ikka e súllúngáli oral health education me llól Commonwealth;
- 5) Eyoor bwángil Supervising dentist ebwe supervise nge essóbw aluuló eluuw (3) oora dental therapists § 185-10-2635;
- 6) Emmwel bwe CHC Dental Therapists ebwe fféerú angaang lughul reel eew CNMI-licensed dentist ngáli angaang ikka e lo llól educational me preventative oral health § 185-10-2635(d)(1)(i);

7) Re tingór sáangi Dental Therapist ebwe yoor aal Practice Agreement iye e valid bwe ebwe yoor Ammwelil fengál me HCPLB

AMMWELIL ME AKKATÉÉWOWUL: Board re tingór ischil kkapas ikka e súllúngáli ppwommwol liiwel iye Board ebwe bwughi llól eliigh (30) ráál mwiril aal ghommwal akkatééwow arongorong yeel me llól Commonwealth Register. Schóó kka re mwuschel amwuri ppommwol liiwel yeel rebwe faingiló 664-4808/09 ngáre email me info@cnmilicensing.gov.mp ngáre mweteló bwualsiyo iye e lo Bldg. 1242, Pohnpei Ct., Asíngúl, Seipél. Ischil kkapas wóól liiwel kkal ebwe mweteló bwulasiyo ngáre bwughiló BPL, P. O. Box 502078, Saipan, MP, 96950.

Isáliyalong: 
Esther S. Fleming
Executive Director

4/28/23
Ráál

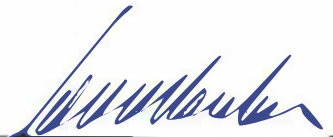
Bwughiyal: 
Oscar M. Babauta
Special Assistant ngáli Administration

4/28/23
Ráál

Ammwelil: 
Esther San Nicolas
Commonwealth Registrar

4.28.23
Ráál

Sáangi 1 CMC § 2153(e) (mwiril aal átirow sáangi AG reel mwóghutughut ebwe arongowow bwe aa lléghló reel fféérúl) me 1 CMC § 9104(a) (3) (sáangi átirowal AG) reel ppwommwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me átirowa bwe aa lléghló reel fféérúl me legal sufficiency sáangi Soulemelemlil Allégh Lapalapal CNMI me ebwe akkatééwow, 1 CMC § 2153(f) (arongowowul allégh me mwóghutughut).


EDWARD MANIBUSAN
Soulemelemlil Allégh Lapalap

4/28/23
Ráál

**TITLE 185: COMMONWEALTH HEALTH CARE PROFESSIONS
LICENSING BOARD**

**SUBCHAPTER 185-10
COMMONWEALTH HEALTH CARE PROFESSIONS
LICENSING BOARD REGULATIONS**

Part 2600 ~~Dentists, Dental Assistants, Dental Hygienists and Dental Therapists~~
~~Therapists~~ **(Dentists, Dental Therapists, Dental Hygienists, and Dental Assistants)**

§ 185-10-2601	Definitions
§ 185-10-2605	Exemptions from License Requirements
§ 185-10-2610	Licensure by Endorsement
§ 185-10-2615	Dentist – Licensure
§ 185-10-2620	Dentist – Scope of Practice
§ 185-10-2625	Dentist – Continuing Dental Education (CDE)
§ 185-10-2630	Dental Therapist – Licensure
§ 185-10-2635	Dental Therapist – Scope of Practice
§ 185-10-2640	Dental Therapist – Continuing Dental Education (CDE)
§ 185-10-2645	Dental Therapist – Practice Agreement
§ 185-10-2650	Dental Hygienist – Licensure
§ 185-10-2655	Dental Assistant Hygienist – Scope of Practice
§ 185-10-2660	Dental Hygienist – Continuing Dental Education (CDE)
§ 185-10-2665	Dental Assistant – Registration
§ 185-10-2670	Dental Assistant – Scope of Practice
§ 185-10-2675	[Reserved]
§ 185-10-2680	Schedule of Fees
§ 185-10-2685	[Reserved]
§ 185-10-2690	Infection Control
§ 185-10-2695	Prescribing, Ordering or Dispensing of Medication
§ 185-10-2700	Prohibition on Interference by a Non-Dentist
§ 185-10-2701	Designation of a Dental Director
§ 185-10-2705	Patient Records and Their Transfer
§ 185-10-2710	Requirements for General Anesthesia, Parental Sedation, and Oral Sedation
§ 185-10-2715	Patient Rights
§ 185-10-2720	Impaired Dentists or Dental Hygienists
§ 185-10-2725	Reporting Requirements
§ 185-10-2730	Disciplinary Action
§ 185-10-2735	Principles of Ethics and Code of Professional Conduct

TITLE 185: COMMONWEALTH HEALTH CARE PROFESSIONS
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Part 2600 - ~~Dentists, Dental Assistants, Dental Hygienists and Dental Therapists~~
(Dentists, Dental Therapists, Dental Hygienists, and Dental Assistants)

§ 185-10-2601 Definitions

- (a) **“ADA”** is the American Dental Association.
- (b) **“ADHA”** is the American Dental Hygiene Association.
- (c) **“Administer local anesthetic agents,”** means the administration of local anesthetic agents by injection, both infiltration and block, limited to the oral cavity, for the purpose of pain control.
- (d) **“Conscious sedation”** is a minimally depressed level of consciousness that retains the patient’s ability to ~~independently and continuously maintain~~ maintain an airway and respond appropriately to physical stimulation or verbal command and that is produced by a pharmacological or non-pharmacological method or a combination thereof ~~independently and continuously~~.
- (e) **“Continuing Dental Education (CDE)”** consists of dental educational activities designed to review existing concepts and techniques, to convey information beyond the basic dental education, and to update knowledge on advances in scientific, clinical, and nonclinical practice related subject matter, including evidence-based dentistry. The objective is to improve the knowledge, skills, and ability of the individual to provide the highest quality of service to the public and the profession. All continuing dental education should strengthen the habits of critical inquiry and balanced judgment that denote the truly professional and scientific person and should make it possible for new knowledge to be incorporated into the practice of dentistry as it becomes available.
- (f) **“CPR”** means cardiopulmonary resuscitation.
- (g) **“DEA Registration”** means the license given to qualified practitioners to prescribe order or dispense a controlled substance, by the federal Drug Enforcement Agency (DEA).
- (h) **“Deep sedation”** is an induced state of depressed consciousness accompanied by partial loss of protective reflexes, including the inability to continually maintain an airway independently and/or to respond purposefully to physical stimulation or verbal command, and is produced by a pharmacological or non-pharmacological method or a combination thereof.
- (i) **“Dental Assistant”** means an auxiliary employee of a licensed dentist(s) who performs supportive chair side procedures under the direct supervision and full responsibility of that licensed dentist.
- (j) **“Dental Hygiene”** means the delivery of preventive, educational, and clinical services supporting total health for the control of oral disease and the promotion of oral health

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provided by a dental hygienist within the scope of his or her education, training, and experience.

- (k) **“Dental Hygienist”** is a mid-level dental health care provider who has been duly licensed by the Board to practice dental hygiene in the CNMI and to engage in clinical procedures primarily concerned with the performance of preventive dental services that are performed in accordance with the rules and regulations of the Board.
- (l) **“Dental Specialist”** means a dentist who has received advanced training and certification in an ADA-recognized dental specialty and is licensed as a dental specialist by the Board.
- (m) **“Dental Specialty”** means any of the dental specialties which are currently recognized by the American Dental Association which currently include the following: Dental Public Health, Endodontics, Oral and Maxillofacial Pathology, Oral and Maxillofacial Radiology, Oral and Maxillofacial Surgery, Orthodontics and Dentofacial Orthopedics, Pediatric Dentistry, Periodontics, and Prosthodontics.
- (n) **“Dental Therapist”** is a mid-level dental health care provider given advanced duties and responsibilities in patient care, having professional education and training as required by the Board, and who has been duly licensed by the Board to practice dental therapy in the CNMI, as defined by the rules and regulations thereof.
- (o) **“Dentist”** means a person who has been duly licensed by the Board to practice dentistry in the CNMI, as hereafter defined.
- (p) **“Dentistry”** is the diagnosis or treatment, by surgery or other method, of diseases and lesions and the correction of malpositions of the human teeth, alveolar process, gums, jaws, or associated structures; and such diagnosis or treatment may include all necessary related procedures as well as the use of drugs, anesthetic agents, and physical evaluation. Without limiting the foregoing, a person practices dentistry within the meaning of this chapter who does any one or more of the following:
 - (1) By written, verbal, or in any other way advertises him or herself or represents him or herself to be a dentist able to perform procedures on patients in the CNMI;
 - (2) Performs or offers to perform an operation or diagnosis of any kind, or treats diseases or lesions of the human teeth, alveolar process, gums, jaws, or associated structures, or corrects malposed positions thereof;
 - (3) In any way indicates that he will perform by himself or his agents or servants any operation upon the human teeth, alveolar process, gums, jaws, or associated structures, or in any way indicates that he will construct, alter, repair, or sell any bridge, crown, denture, or other prosthetic appliance or orthodontic appliance;
 - (4) Makes, or offers to make, an examination of, with the intent to perform or cause to be performed any operation on the human teeth, alveolar process, gums, jaws,

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or associated structures.

- (q) **“Direct Supervision”** means that the dentist is available for consultation over procedures which the dentist has authorized, and for which the dentist remains responsible. To qualify as direct supervision, the dentist must either ~~by~~ **be** physically present in the dental facility, or supervise using teledentistry.
- (r) **“Dispense”** means to give out a medication.
- (s) **“General anesthesia”** means a controlled state of unconsciousness intentionally produced by anesthetic agents and accompanied by partial or complete loss of protective reflexes, including the inability to independently maintain an airway and respond purposely to physical stimulation or verbal command.
- (t) **“General Supervision”** means a licensed dentist has authorized the procedures and they are being carried out in accordance with the dentist’s diagnosis and treatment plan.
- (u) **“Indirect Supervision”** means the supervision of tasks or procedures that do not require continuous supervision at the time the tasks or procedures are being performed, but require the tasks be performed with the prior knowledge and consent of the dentist.
- (v) **“Irreversible Tasks”** are those intra-oral treatment tasks which, when performed, are irreversible, create unalterable changes within the oral cavity or the contiguous structures, or which cause an increased risk to the patient.
- (w) **“JCNDE”** is the Joint Commission on National Dental Examinations. The JCNDE is the agency responsible for the development and administration of the National Board Dental Examination as well as the National Board Dental Hygiene Examination.
- (x) **“Licensee”** is any person who has been lawfully issued a license to practice in the CNMI by this Board.
- (y) **“NBDE”** is the National Board Dental Examination and is a two-part examination to assist state boards in determining qualifications of dentists who seek licensure to practice dentistry.
- (z) **“Nitrous oxide inhalation analgesia”** is the administration by inhalation of a combination of nitrous oxide and oxygen, producing an altered level of consciousness that retains the patient’s ability to ~~independently and continuously~~ maintain an airway and respond appropriately to physical stimulation or verbal command **independently and continuously**.
- (aa) **“NPI Number”** is the National Practitioner Identifier (NPI), an identification number given to health care providers by the Centers for Medicare and Medicaid Services.
- (bb) **“Order,”** ~~with~~ **regarding** ~~to~~ medication, means the verbal or written instruction to

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administer a medication to a patient.

- (cc) **“OSHA”** means the Occupational Safety and Health Administration, the main federal agency charged with the enforcement of safety and health legislation.
- (dd) **“OTC medication”** means over-the-counter medication or medication that can be purchased without a prescription.
- (ee) **“Pediatric Advanced Life Support (PALS) certification”** is a certification that means a person has successfully completed a pediatric advanced life support course offered by a recognized accrediting organization.
- (ff) **“Prescribe”** means the written or electronic instruction given to dispense a medication to a patient.
- (gg) **“Reversible Tasks”** are those intra-oral treatment tasks which are readily reversible; do not create unalterable changes within the oral cavity or the contiguous structures; and which do not cause any increased risk to the patient.
- (hh) **“Teledentistry”** means the delivery of dental health care and patient consultation ~~through the use of~~ using telehealth systems and technologies, including live, two-way interactions between a patient and a dentist licensed in the CNMI using audiovisual telecommunications technology, or the secure transmission of electronic health records and medical data to a dentist licensed in the CNMI to facilitate evaluation and treatment of the patient outside of a real-time or in-person interaction. Prior to engaging the use of teledentistry, a dentist must demonstrate to the Board that (1) there is limited access to dentistry services in the intended community; and (2) must enter a written collaborative agreement with each dental therapist who will be performing services under the dentist’s direct supervision using teledentistry.
- (ii) **“U.S. Territory”** shall mean all territories, commonwealths, or possessions of the United States.
- (jj) **“U.S. state”** shall refer to any of the fifty states or U.S. territory, unless otherwise specifically defined in these regulations.
- (kk) **“Written Collaborative Agreement”** means a written agreement with a licensed dentist who authorizes and accepts responsibility for the services performed by a dental therapist using teledentistry. The services authorized under a collaborative agreement may further limit a dental therapist’s scope of practice and limit tasks that may be performed under the written collaborative agreement and conferred direct supervision but may not expand the dental therapist’s scope beyond tasks as described in the rules and regulations of the Board. A written collaborative agreement must contain, at minimum:
 - (l) the tasks which may be performed by the dental therapist under direct supervision of the dentist; and

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- (2) the protocol for using teledentistry consultation; and
- (3) the procedures for amending the content of the agreement; and
- (4) the duration of the agreement not to exceed one year; and
- (5) the name of a secondary, alternative supervising dentist, if desired; and
- (6) endorsement by all parties.

§ 185-10-2605 Exemptions from License Requirements

The following individuals are exempt from obtaining a CNMI license to practice as a dentist, dental hygienist, or dental therapist:

- (a) A dentist, dental hygienist, or dental therapist in the U.S. Military in the discharge of official duties;
- (b) A visiting dentist, dental hygienist, or dental therapist from another jurisdiction presenting information or demonstrating procedures before a dental society, dental study club, organization, or convention in the CNMI; or
- (c) A physician or other medically trained and licensed individual, when emergency treatment is necessary for the relief of pain, in the absence of a licensed dentist, dental hygienist, or dental therapist.

§ 185-10-2610 Licensure by Endorsement

- (a) The Board may grant a license to a person to practice as a dentist, dental hygienist, dental therapist, or specialist without examination if:
 - (1) The person holds a valid, active license to practice as a dentist, dental hygienist, dental therapist, or specialist in any U.S. state or Canada; and
 - (2) The person substantially complies with the requirements for licensure in § 185-10-2615–2620; and
 - (3) The requirements in the jurisdiction of licensure are at least as stringent as those under these regulations; and
 - (4) Applicant is not the subject of an adverse report from the National Practitioner Data Bank, the American Association of Dental Examiners Clearinghouse for Board Actions, or the licensing/regulatory entity of any jurisdiction, including foreign countries.
- (b) The Board may deny a license by endorsement to a person to practice dentistry, dental

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hygiene, or dental therapy if the person has been the subject of an adverse action in which his/her license was suspended, revoked, placed on probation, conditioned, or renewal denied.

§ 185-10-2615 Dentist – Licensure

(a) Requirements.

An applicant to practice as a dentist must be at least twenty-one years of age; a U.S. citizen or a foreign national who is lawfully entitled to remain and work in the CNMI; and must meet the following requirements:

- (1) Applicant is a graduate of a dental school accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association (ADA) or the Commission on Dental Accreditation of Canada; and
- (2) Applicant has taken and passed the examination administered by the Joint Commission on National Dental Examinations or the written examination and the Objective Structured Clinical Examination (OSCE) administered by the National Dental Examiner Board of Canada; or the applicant has a current and active license to practice as a dentist in any U.S. state or Canada; and
- (3) Applicant is not the subject of any adverse action against their license to practice dentistry in any U.S. State or territory, or Canada and is not the subject of any pending litigation ~~in~~ regarding to their practice of dentistry.

(b) Application.

An application for a license to practice dentistry shall be made under oath on a form provided by the Board and shall be accompanied with the following information, documentations, and fees (non-refundable) as required in these regulations:

- (1) The applicant's full name and all aliases or other names ever used, current address, date, and place of birth, NPI, and social security number; and
- (2) Applicant's 2x2 photograph taken within six months from date of application; and
- (3) A list of all jurisdictions, U.S. or foreign, in which the applicant has ever been licensed or has applied for a license to practice dentistry, has been denied licensure, or voluntarily surrendered a license to practice dentistry; and
- (4) A curriculum vitae including a detailed education and experience history which shall include dates, places, institutions, educational programs, and description of all prior education and work experience; and
- (5) A list of all sanctions, judgments, awards, settlements, or convictions against the applicant in any jurisdiction, U.S. or foreign, that may constitute grounds for

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disciplinary action in that jurisdiction or be of concern to the Board; and

- (6) A current report from the National Practitioner Data Bank (NPDB), the American Association of Dental Examiners Clearinghouse for Board Actions, or any other entity having information pertinent to the applicant's performance; and
- (7) Notarized or certified copies acceptable to the Board of the following:
 - (i) Diploma showing a degree of Doctor of Dental Surgery or Doctor of Dental Medicine; and
 - (ii) Current and active license to practice as a dentist in any U.S. state or Canada; and
 - (iii) Current DEA registration certificate, if held by the applicant.
- (8) **Proof of cardiopulmonary resuscitation (CPR) certification by a Board-approved institution or organization.**

(c) Dental Specialist.

A specialist license will be issued by the Board to those applicants that have met all other requirements and have completed a specialty program accredited by the American Dental Association Commission on Dental Accreditation or the Commission on Dental Accreditation of Canada; or hold a specialty permit issued by the appropriate specialty board.

§ 185-10-2620 Dentist – Scope of Practice

- (a) A CNMI-licensed dentist engaging in the practice of dentistry may:
 - (1) Perform or hold out to the public as being able to perform dental operations;
 - (2) Use the words "doctor," "dentist," or "dental surgeon" or the letters "D.D.S." or "D.M.D." or other letter or title that represents the dentist as engaging in the practice of dentistry;
 - (3) Diagnose, treat, operate on, correct, attempt to correct, or prescribe for a disease, lesion, pain, injury, deficiency, deformity, or physical condition, malocclusion or malposition of the human teeth, alveolar process, gingiva, maxilla, mandible, or adjacent tissues;
 - (4) Perform or attempt to perform an operation incident to the replacement of teeth;
 - (5) Furnish, supply, construct, reproduce, or repair dentures, bridges, appliances, or other structures to be used and worn as substitutes for natural teeth;

**TITLE 185: COMMONWEALTH HEALTH CARE PROFESSIONS
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- (6) Extract or attempt to extract human teeth;
- (7) Exercise control over professional dental matters or the operation of dental equipment in a facility where the acts and things described in this section are performed or done; and
- (8) Evaluate, diagnose, treat, or perform preventive procedures related to diseases, disorders, or conditions of the oral cavity, maxillofacial area, or adjacent and associated structures; a dentist whose practice includes the services described in this paragraph may only perform the services if they are within the scope of the dentist's education, training, and experience and in accord with the generally recognized ethical precepts of the dental profession.

(b) Dental Specialist.

A licensed dentist may not hold out to the public as being a specialist in a branch of dentistry by verbal communication, advertising, or using such terms as "specialist" or using the name of the specialty or other verbiage in a way that would imply to the public that the dentist is so qualified, without first securing a specialist's license issued by the Board.

§ 185-10-2625 Dentist – Continuing Dental Education (CDE)

- (a) Each dentist licensed to practice dentistry in the CNMI is required to complete forty (40) CDE hours (20 hours per year) as a prerequisite to the renewal of his/her biennial license.
- (b) One CDE unit or credit equals one contact hour.
- (c) Approved continuing dental education activities may **not exceed 20 hours** to include, but are not limited to, courses, **educational presentations, professional meetings**, workshops, or symposiums approved, provided, or sponsored by the American Dental Association (ADA), Academy of General Dentistry (AGD), or the World Dental Federation.
- (d) If a licensee fails to meet the CDE requirements for renewal of license because of illness, military service, medical, or religious activity, residence in a foreign country, or other extenuating circumstances, the Board, upon appropriate written request from the applicant, may grant an extension of time to complete same, on an individual basis.
- (e) It shall be the responsibility of the licensee to obtain documentation, satisfactory to the Board, from the organization or institution of his or her participation in the continuing dental education, and the number of course/credit hours.
- (f) Licensure renewal shall be denied to any licensee who fails to provide satisfactory evidence of completion of CDE requirements or who falsely certifies attendance at and/or completion of the CDE as required herein.

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§ 185-10-2630 Dental Therapist – Licensure

(a) Requirements.

An applicant applying for a license to practice as a dental therapist in the CNMI must be at least twenty-one years of age, be a U.S. citizen or a foreign national lawfully entitled to remain and work in the CNMI, and must meet the following requirements:

- (1) Applicant is a graduate of an accredited dental therapy educational program in the U.S. or Canada or is a foreign trained dentist having graduated from a school of dentistry recognized by the department of health in that respective country; and
- (2) Applicant can communicate proficiently in the English language. If proficiency in the English language is in question, the applicant may be required by the Board to show a passing score on the TOEFL test; and
- (3) Applicant has a current and active license to practice as a dental therapist in any U.S. state or Canada, or as a dentist in any foreign country; and
- (4) Applicant is not the subject of any adverse action against their license to practice as a dental therapist in any U.S. State or Canada, or as a dentist in any foreign country, and is not the subject of any pending litigation ~~in regard to~~ **regarding** their practice as a dental therapist or dentist; and
- (5) Applicant must specify in the application the dentist(s) by whom the applicant is to be employed.
- (6) **Proof of cardiopulmonary resuscitation (CPR) certification by a Board-approved institution or organization.**

(b) Application.

An application for a license to practice as a dental therapist shall be made under oath on a form provided by the Board and shall be accompanied with the following information, documentations, and fees (non-refundable) as required in these regulations:

- (1) Completed application with information that includes the applicant's full name and all aliases or other names ever used, current address, date and place of birth, and social security number; and
- (2) Current 2x2 photograph of the applicant taken within six months from date of application; and
- (3) A list of all jurisdictions, U.S. or foreign, in which the applicant has ever been licensed or has applied for a license to practice as a dental therapist or a dentist; has been denied licensure; or voluntarily surrendered a license to practice as a

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dental therapist or dentist; and

- (4) A curriculum vitae including a detailed education and experience history which shall include dates, places, institutions, educational programs, and description of all prior education and work experience; and
- (5) A list of all sanctions, judgments, awards, settlements, or convictions against the applicant in any jurisdiction, U.S. or foreign, that may constitute grounds for disciplinary action in that jurisdiction or be of concern to the Board; and
- (6) Notarized or certified copies acceptable to the Board of the following:
 - (i) Diploma showing a degree of Dental Therapy or a degree of Doctor of Dental Surgery from a school of dentistry recognized by the department of health in that respective country; and
 - (ii) Documents showing proof that applicant is licensed to practice as a dental therapist in any U.S. state or Canada, or a foreign trained dentist graduated from a school of dentistry recognized by the department of health in that respective country;

§ 185-10-2635 Dental Therapist-Scope of Practice

- (a) A person licensed as a dental therapist in the CNMI must adhere to the specific parameters and scope of practice and may perform the following services under the general supervision of a CNMI-licensed dentist:
 - (1) Oral examination and diagnosis of dental disease;
 - (2) Oral health instruction and disease prevention education, including nutritional counseling and dietary analysis;
 - (3) Preliminary charting of the oral cavity;
 - (4) Taking intra-oral and extra-oral photographs;
 - (5) Exposing and developing radiographs;
 - (6) Prophylaxis or removal of stains, accretions, or deposits and polishing of the coronal portion of the teeth above the cemento enamel junction (CEJ); and
 - (7) Scale and root planning (removal of calculus or deposits below the cemento enamel junction (CEJ));
 - (8) Application of topical preventive or prophylactic agents, including fluoride varnishes and gel;

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- (9) Placement of pit and fissure sealants;
 - (10) Application of silver diamine fluoride;
 - (11) Pulp vitality testing;
 - (12) Application of desensitizing agents on primary or permanent teeth;
 - (13) Placement of temporary restorations on primary or permanent teeth;
 - (14) Fabrication and cementation of temporary crowns on permanent teeth;
 - (15) Placement and removal of restorative bands;
 - (16) Suture removal and dressing changes;
 - (17) Impressions for, and delivery of, occlusal guards, athletic mouth guards and whitening trays but not laser bleaching;
 - (18) Impressions for removable prosthesis;
 - (19) Tissue Conditioning and soft relines for removal prosthesis; and
 - (20) Minor adjustments of removable prosthesis.
- (b) A licensed dental therapist may perform the following services under direct supervision of a dentist:
- (1) Cavity preparation;
 - (2) Placement, shaping, polishing, and adjustment of restorative materials or fillings on primary or permanent teeth;
 - (3) Indirect and direct pulp capping on primary and permanent teeth;
 - (4) Placement and removal of space maintainers on primary teeth;
 - (5) Recommendation of permanent crowns;
 - (6) Try-in of removable prosthesis;
 - (7) Non-surgical extraction of primary teeth;
 - (8) Non-surgical extraction of permanent teeth with greater than grade 2 mobility;
 - (9) Tooth re-implantation;

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- (10) Stabilization of re-implanted teeth or teeth otherwise affected by trauma;
 - (11) Emergency palliative treatment or dental pain;
 - (12) Administration and monitoring of nitrous oxide (with proof of certification from a Board- approved program);
 - (13) Fabrication and cementation of temporary crowns on permanent teeth;
 - (14) Dispensing medications as ordered by the dentist;
 - (15) Observation and monitoring of patients under sedation; and
 - (16) Administration of local anesthetic.
- (c) The supervising dentist is professionally and legally responsible for all care provided by the dental therapist.
- (1) A supervising dentist is allowed to supervise no more than three (3) dental therapists.
- (d) Limitation of Practice as a Dental Therapist.

A licensed dental therapist in the CNMI must strictly adhere to the following:

- (1) Must work under the supervision of a dentist holding a current and unrestricted license to practice dentistry in the CNMI; and
 - (i) May perform services of a dental therapist, independent of a CNMI-licensed dentist, for educational and preventative oral health services provided by dental therapists employed by the Commonwealth Healthcare Corporation which are rendered pursuant to the Public Health's Oral Health Program for children, within the scope of these regulations;
- (2) May not hold themselves out to the public as a dentist, dental hygienist, or refer to themselves as "doctor" or hold themselves out to the public in any written, verbal, or other form to be a Doctor of Dental Surgery or Doctor of Dental Medicine, regardless of their training or title in any foreign country; and
- (3) Must not diagnose, do a treatment plan, or write prescriptions for medications, except under the direct order and supervision of a CNMI-licensed dentist; and
- (4) Must not perform other procedures that require the professional competence and skill of a dentist.
- (5) No licensed Dental Therapist may practice without a valid Practice Agreement on file with the Board.

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§ 185-10-2640 Dental Therapist – Continuing Dental Education (CDE)

- (a) All dental therapists licensed to practice in the CNMI are required to complete ~~twenty-four~~ **thirty (30)** CDE hours (~~+2 15~~ hours per year) as a prerequisite to the renewal of their biennial license. **At least 50% or more of the CDEs must be in education in the clinical aspect of dentistry.**
- (b) One CDE unit or credit equals one contact hour.
- (c) Approved continuing dental education activities include, but are not limited to:
 - (1) Courses, workshops, or symposiums approved, provided, or sponsored by the American Dental ~~Hygienist~~-**Therapy** Association (ADH **TA**), Academy of General Dentistry (AGD), American Dental Association (ADA), or the World Dental Federation;
 - (2) Courses, workshops, or symposiums approved by the Board that are offered by dental colleges or universities, or dental organizations or associations.
 - (3) **Approved presentations given or attended, and workshops geared toward oral health education in the Commonwealth.**
 - (4) Self-study programs offered by a dental college or university, the AGD or the ADA, or other programs approved by the board.
- (d) If a licensee fails to meet the CDE requirements for renewal of license because of illness, military service, medical, or religious activity, residence in a foreign country, or other extenuating circumstances, the Board, upon appropriate written request from the applicant, may grant an extension of time to complete same, on an individual basis.
- (e) It shall be the responsibility of the licensee to obtain documentation, satisfactory to the Board, from the organization or institution of his or her participation in the continuing dental education, and the number of course/credit hours.
- (f) Licensure renewal shall be denied to any licensee who fails to provide satisfactory evidence of completion of CDE requirements or who falsely certifies attendance at and/or completion of the CDE as required herein.

§ 185-10-2645 Dental Therapist – Practice Agreement

(a) Scope of Practice

The Dental Therapist (DT) shall perform only those dental services appropriate to his or her specific training and experience which may include, but not limited to:

- (1) Take medical histories and perform oral exam (comprehensive or emergent)

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- (2) Order and perform diagnostic and therapeutic procedures;
- (3) Diagnose and treat oral diseases;
- (4) Perform non-surgical oral health care tasks consistent with his/her training and experience.

A DT may not advertise or otherwise hold him/herself out in any manner, which implies that the DT is either a dentist or an independent practitioner. A DT may not advertise in any manner without the name of the supervising dentist.

A DT shall always, when on duty, wear an ID badge stating their name and title of Dental Therapist or “DT”.

(b) Supervising Dentist

The Supervising Dentist must comply with the following requirements to supervise a dental therapist(s):

- (1) The Supervising Dentist shall possess a current unrestricted license to practice dentistry in the CNMI that is in good standing with the Board and a valid DEA certificate.
- (2) The Supervising Dentist’s primary place of practice is within the CNMI. At least 50% of his/her practice must be clinical. A supervising dentist shall delegate to a DT only those tasks consistent with his or her specialty or usual and customary practice.
- (3) The Supervising Dentist will direct and exercise supervision over the DT in accordance with the regulations and recognizes that he/she retains full professional and legal responsibility for the performance of the DT and the care and treatment of the patient;
- (4) The Supervising Dentist shall always provide adequate means for direct communication between the DT and him/her including but not limited to, clinics, hospitals, ambulatory centers, patient homes, and other institutional settings.
- (5) The Supervising Dentist shall always provide adequate means for direct communications between the DT and him/her; that direct communication may occur through the use of technology which may include, but not limited to, two-way radio, telephone, fax machine, internet or another telecommunication device.
- (6) The Supervising Dentist shall designate an alternate Supervising Dentist in his or her absence. That alternate Supervising Dentist must satisfy all requirements of a primary Supervising Dentist.

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(7) The Supervising Dentist shall petition the Board if she/he wishes to supervise more than 3 full-time DTs or equivalent to 3 full-time DTs.

(8) The Supervising Dentist shall review and sign the records seen by the DT.

(c) Prescription Privileges

NOT applicable for DT who is NOT authorized to prescribe ANY medication.

(d) Supervising Dentist Review and Signature of Records

(1) The Board may require that up to 100% of all patient encounters by a DT be reviewed and signed by the Supervising Dentist.

(2) The Board may, at any time, request proof of compliance with the chart review requirement. Non-compliance may result in termination by the Board of Practice Agreement.

(e) General Provisions

(1) The Supervising Dentist and the DT shall notify the Board in writing within seven (7) of any change or the termination of the Practice Agreement.

(2) At a minimum a Practice Agreement shall be renewed every 2 years or at the time of license renewal, whichever is sooner, if there is no change to the agreement within the two-year period.

(3) The terms, conditions and provisions of this Practice Agreement cannot be altered, changed, or modified or added to unless approved by the Board.

§ 185-10-2650 Dental Hygienist – Licensure

(a) Requirements.

An applicant applying for a license to practice dental hygiene in the CNMI must be at least twenty- one years of age, be a U.S. citizen or a foreign national lawfully entitled to remain and work in the NMI, and must meet the following requirements:

(1) Applicant is a graduate of an accredited program for dental hygiene accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association (ADA) or the Commission on Dental Accreditation of Canada; and

(2) Applicant has taken and passed the National Board Dental Hygiene Examination

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administered by the Joint Commission on National Dental Examinations or the Canadian National Board Dental Hygiene Examination; or the applicant has a current and active license to practice dental hygiene in any U.S. state or Canada; and

- (3) Applicant who is a foreign trained dental hygienist and who graduated from a school of dentistry recognized by the department of health in that respective country and can provide evidence of:
 - (i) Attaining the U.S. equivalent of a ~~B~~bachelor's ~~D~~degree in Dental Hygiene, and
 - (ii) Provide evidence of 160 hours of supervised clinical practice, demonstrating competent skills to the satisfaction of and as witnessed and certified by a Dentist licensed in the CNMI who is approved by the Board, and:
- (4) Applicant has no adverse action against their license to practice dental hygiene in any U.S. State, Canada, or other foreign jurisdiction, and is not the subject of any pending litigation ~~in~~ regarding ~~to~~ their practice of dental hygiene; and
- (5) Applicant must specify in the application the dentist(s) by whom the applicant is to be employed.

(b) Application.

An application for a license to practice dental hygiene shall be made under oath on a form provided by the Board and shall be accompanied with the following information, documentations, and fees (non-refundable) as required in these regulations:

- (1) Completed application with information that includes the applicant's full name and all aliases or other names ever used, current address, date and place of birth, and social security number; and
- (2) Current 2x2 photograph of the applicant taken within six months from date of application; and
- (3) A list of all jurisdictions, U.S. or foreign, in which the applicant has ever been licensed, has applied for a license to practice dental hygiene, has been denied licensure, or voluntarily surrendered a license to practice dental hygiene; and
- (4) A curriculum vitae including a detailed education and experience history which shall include dates, places, institutions, educational programs, and description of all prior education and work experience; and
- (5) A list of ~~all of~~ all sanctions, judgments, awards, settlements, or convictions against the applicant in any jurisdiction, U.S. or foreign, that may constitute grounds for disciplinary action in that jurisdiction or be of concern to the Board;

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and

- (6) Notarized or certified copies acceptable to the Board of the following: A diploma showing a degree of Dental Hygiene; and
 - (i) Document showing proof that applicant has taken and passed the National Board Dental Hygiene examination administered by the Joint Commission on National Dental Examinations or the Canadian National Board Dental Hygiene Examination; or
 - (ii) Current and active license to practice as a dental hygienist in any U.S. state or Canada.
- (7) **Proof of cardiopulmonary resuscitation (CPR) certification by a Board-approved institution or organization.**

§ 185-10-2655 ~~Dental Assistant~~ Hygienist— Scope of Practice

- (a) A CNMI-licensed dental hygienist may:
 - (1) Educate, demonstrate, and instruct the public on achieving better oral and systemic health;
 - (2) Examine visually and ~~by the~~ **using** of instruments, such as an explorer and a periodontal probe or other means, the teeth and the tissues surrounding the teeth;
 - (3) Examine visually and by palpation the head and neck region for any lesions or abnormalities;
 - (4) Remove calcareous deposits, accretions, and stains from the surfaces of the teeth with the use of hand instruments or ultrasonic instrumentation;
 - (5) Perform root ~~planning~~ and scaling and periodontal soft tissue curettage with the use of hand instruments, ultrasonic instruments, or soft tissue lasers;
 - (6) Expose and develop radiographs (x-rays);
 - (7) Administer local anesthetic agents;
 - (8) Remove restorative overhangs;
 - (9) Apply topical antimicrobials and preventive agents;
 - (10) Apply pit and fissure sealants;
 - (11) Make alginate impressions of the dentition;

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- (12) Deliver occlusal guards or teeth whitening trays;
 - (13) Research, as it relates to the field of dentistry; and
 - (14) Assist the dentist and dental team as needed in delivering quality dental care.
- (b) A CNMI-licensed dental hygienist may not:
- (1) Deliver dental hygiene services independent of a CNMI-licensed dentist, except for educational and preventative oral health services provided by dental hygienists employed by the Commonwealth Healthcare Corporation which are rendered pursuant to the Public Health's Oral Health Program for children, within the scope of these regulations;
 - (2) Diagnose, treatment-plan, or write prescriptions for medications, except under the direct order and supervision of a CNMI-licensed dentist;
 - (3) Cut or incise hard or soft tissues; and
 - (4) Perform other procedures that require the professional competence and skill of a dentist.

§ 185-10-2660 Dental Hygienist – Continuing Dental Education (CDE)

- (a) All dental hygienists licensed to practice dental hygiene in the CNMI are required to complete twenty-four (24) CDE hours (12 hours per year), as a prerequisite to the renewal of their biennial license. **At least 50% or more of the CDEs must be in education in the clinical aspect of dentistry.**
- (1) One CDE unit or credit equals one contact hour.
 - (2) Approved continuing dental education activities **not to exceed 12 hours may** include, but are not limited to, courses, **educational presentations, professional meetings** workshops, or symposiums approved, provided, or sponsored by the American Dental Hygienist's Association (ADHA), Academy of General Dentistry (AGD), American Dental Association (ADA), or the World Dental Federation.
 - (3) **Approved presentations given or attended, and workshops geared toward oral health education in the Commonwealth.**
 - (4) If a licensee fails to meet the CDE requirements for renewal of license because of illness, military service, medical, or religious activity, residence in a foreign country, or other extenuating circumstances, the Board, upon appropriate written request from the applicant, may grant an extension of time to complete same, on an individual basis.

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- (5) It shall be the responsibility of the licensee to obtain documentation, satisfactory to the Board, from the organization or institution of his or her participation in the continuing dental education, and the number of course/credit hours.
- (6) Licensure renewal shall be denied to any licensee who fails to provide satisfactory evidence of completion of CDE requirements or who falsely certifies attendance at and/or completion of the CDE as required herein.

§ 185-10-2665 Dental Assistant – Scope of Practice

- (a) The supervising dentist shall be accountable and fully responsible for all dental services, procedures, and duties performed by a dental assistant under the dentist's supervision. However, a dental assistant is responsible for his or her own professional behavior and shall be held accountable for such.
- (b) A dental assistant may perform the following supportive dental procedures under the direct supervision of a licensed dentist:
 - (1) Retract a patient's cheek, tongue, lips, or other tissues during dental procedures;
 - (2) Place and remove a rubber dam;
 - (3) Conduct a preliminary oral inspection, conduct preliminary charting of the oral cavity, and report observations to the supervising dentist;
 - (4) Remove debris as is normally created and accumulated during or after procedures by the dentist with the use of vacuum devices, compressed air, mouthwashes, and water;
 - (5) Provide assistance, including placement of material in a patient's oral cavity, in response to the specific direction of a licensed dentist who is performing a dental procedure on a patient;
 - (6) Removal of sutures and post-surgical dressings;
 - (7) Application of topical preventive or prophylactic agents, including fluoride varnishes;
 - (8) Placement and removal of matrix retainers for restorations;
 - (9) Impressions for casts or models;
 - (10) Removal of excess cement after a dentist has placed or removed a permanent or temporary inlay, crown, bridge, appliance, or orthodontic brackets or bands, using hand instruments and slow-speed handpiece only;

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- (11) Prophylaxis or removal of stains, accretions, or deposits from the teeth of children below the age of fourteen (14) only;
- (12) Coronal polishing using a slow-speed handpiece with a rubber cup or brush;
- (13) Placing of retractions, cord, or other material for tissue displacement for crown and bridge impressions;
- (14) Fabrication and cementation of temporary crowns after the dentist has prepared the teeth for crown and bridge work;
- (15) Placement and removal of orthodontic separators;
- (16) Take intra-oral measurements for orthodontic procedures;
- (17) Check for loose bands and brackets;
- (18) Placement and removal of ligature ties;
- (19) Removal of arch wires;
- (20) Fitting and removal of head appliances;
- (21) Placement and removal of inter-arch elastics;
- (22) Preliminary selecting and sizing of bands;
- (23) Patient education in oral hygiene;
- (24) Take, expose, and process dental radiographs;
- (25) Take intra-oral and extra-oral photographs;
- (26) Take and record blood pressure and vital signs;
- (27) Relate pre- and post-operative or surgical instructions to the patient or their guardian;
- (28) Monitoring of nitrous oxide administration;
- (29) Placement of pit and fissure sealants;
- (30) Dispense medications as ordered by the dentist; and
- (31) Observation and monitoring of patients under sedation.

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- (c) A dental assistant employed by the Commonwealth Healthcare Corporation may ~~assist~~ perform services of a dental assistant ~~hygienist~~, independent of a licensed dentist, ~~but supervised by a dental hygienist or a dental therapist or indirectly supervised by a licensed dentist, dental therapist, or a dental hygienist utilizing teledentistry,~~ for educational and preventative oral health services rendered pursuant to the Public Health's Oral Health Program for children, within the scope of these regulations.
- (d) Prohibited Duties of Dental Assistants.

A dental assistant shall not perform the following functions or duties or any other activity, which represents the practice of dentistry or requires the knowledge, skill, and training of a licensed dentist, dental hygienist, or dental therapist:

- (1) Diagnosis and treatment planning, independent of a CNMI-licensed dentist;
- (2) Extraction of teeth and surgical or cutting procedures on hard or soft tissues;
- (3) Placement, condensation, carving, finishing, or adjustment of final restorations, placement of pulp capping materials and cement bases; or any cementation procedure;
- (4) Prescribing or injecting of medication;
- (5) Cementation or bonding of any fixed prosthetic or orthodontic appliance;
- (6) Instrumenting or final filling of root canals; and
- (7) Intra-orally finishing or adjusting the occlusion of any final restoration.

§ 185-10-2670 [Reserved]

§ 185-10-2675 Schedule of Fees

The following fees shall apply, unless they conflict with NMIAC § 140-50.1-116:

- | | | |
|-----|---|----------|
| (a) | Application Fee: | |
| (1) | Initial Application | \$100.00 |
| (2) | Dental Assistant Registration Application | \$100.00 |
| (b) | Licensure Fees: | |
| (1) | Dentist | \$200.00 |
| (2) | Dental Specialist | \$200.00 |
| (3) | Dental Hygienist | \$100.00 |
| (4) | Dental Therapist | \$100.00 |
| (c) | Renewal Fees: | |

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(1)	Dentist	\$200.00
(2)	Dental Specialist	\$200.00
(3)	Dental Hygiene	\$100.00
(4)	Dental Therapist	\$100.00
(5)	Late Fee	\$25.00
(d)	Replacement/Duplication of License/Card	\$25.00
(e)	Verification of License Fee	\$25.00

§ 185-10-2680 Renewal

- (a) All licenses issued by the Board expire every two years following issuance or renewal and become invalid after that date.
- (b) Each licensee shall be responsible for submitting a completed renewal application at least sixty days before the expiration date. The Board shall send, by mail or email, a notice to every person licensed hereunder giving the date of expiration and the fee and any additional requirement for the renewal thereof.
- (c) All licensees must submit satisfactory evidence of completion of CDE requirements, as required under these regulations.
- (d) A late fee of \$25.00 will be charged every 1st of the month after the expiration date.
- (e) Licenses which have expired for failure to renew on or before the date required may be reinstated within one year of the expiration date upon payment of the renewal and late fees for each calendar month until the renewal fee is paid.
- (f) A licensee whose license has been revoked, suspended, or placed on probation by the licensing authority of another U.S. state, Canada, or foreign jurisdiction, or who has voluntarily or involuntarily surrendered his or her license in consideration of the dismissal or discontinuance of pending or threatened administrative or criminal charges, following the expiration date of his CNMI license, shall be deemed ineligible for renewal of his or her license to practice as a physician in the CNMI.

§ 185-10-2685 [Reserved]

§ 185-10-2690 Infection Control

The following shall be adhered to ~~with~~ regarding ~~to~~ infection control where dental services are provided:

- (a) All instruments that come in contact with blood and/or saliva shall be sterilized after each use with the employment of one of the following:

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- (1) Steam autoclave;
 - (2) Dry-heat;
 - (3) Chemical vapor; or
 - (4) disinfectant/chemical sterilant approved by the U.S. Environmental Protection Agency (EPA) with the recommended dilution and specified soaking times.
- (b) All dental health care workers shall take appropriate precautions, pursuant to OSHA standard 29 C.F.R. 1910.1030, "Blood borne Pathogens," or its successor, to prevent injuries caused by needles, scalpels, and other sharp instruments or devices during procedures. If a needle stick injury occurs, the dentist shall comply with the requirements established by OSHA. All sharp items and contaminated wastes must be packaged and disposed of according to the requirements established by any federal and local government agencies which regulate health or environmental standards.
- (c) All dental health care workers who have exudative lesions or weeping dermatitis shall refrain from contact with equipment, devices, and appliances that may be used for or during patient care, where such contact holds potential for blood or body fluid contamination; and shall refrain from all patient care and contact until condition(s) resolves unless barrier techniques would prevent patient contact with the dental health care worker's blood or body fluid.
- (d) All dental health care workers shall follow the guidelines for Infection Control in Dental Health-Care Settings established by the Centers for Disease Control (CDC).

§ 185-10-2695 Prescribing, Ordering or Dispensing of Medication

The following must be adhered to for the prescribing, ordering, or dispensing of medication:

- (a) A CNMI-licensed dentist wishing to prescribe, order, or dispense any controlled substance shall hold a current DEA registration that is on file with the Board; and
- (b) Any clinic or facility that holds in-stock any medication to order or dispense to patients shall register with the Board, on an application provided by the Board; shall list the dentist under whose license and DEA number the medication is being purchased; and must list the type of medications being kept in stock to order or dispense; and
- (c) The ordering or dispensing of any medication, other than OTC medications, can ONLY be done under the direct command of a CNMI-licensed dentist who holds a current DEA registration, and given to a patient that has been examined by that dentist.

§ 185-10-2700 Prohibition on Interference by a Non-Dentist

No person or entity, whether owner, manager, or other entity other than the designated Dental

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Director, shall:

- (a) Direct or interfere with the clinical judgment and competent practice of dentistry, dental hygiene, dental therapy, or dental assisting; and
- (b) Select a course of treatment for a patient, the procedures, or materials to be used as part of the course of treatment, or the ~~manner in which way~~ such course of treatment is carried out.

§ 185-10-2701 Designation of a Dental Director

A non-dentist owned business, corporation, or entity providing dental services beyond basic educational and preventive services shall name a CNMI-licensed dentist as a dental director. The dental director shall have responsibility for the clinical practice of dentistry, which includes, but is not limited to:

- (a) Diagnosis of conditions within the human oral cavity and its adjacent tissues and structures;
- (b) Prescribing, ordering, or dispensing of drugs to patients;
- (c) The treatment plan of any dental patient;
- (d) Overall quality of patient care that is rendered or performed in the practice of dentistry, dental hygiene, dental therapy, and dental assisting;
- (e) Supervision of dental hygienists, dental therapist, dental assistants, or other personnel involved in direct patient care and the authorization for procedures performed by them in accordance with the standards of supervision established by the Board; and
- (f) Other specific services within the scope of clinical dental practice.

§ 185-10-2705 Patient Records and Their Transfer

- (a) Dentists shall maintain and keep adequate records of the diagnosis made and the treatment performed for a reasonable period ~~of time~~.
- (b) Upon written request, original patient treatment records shall be made available for inspection by the members of the Board or its designated representative, for the ascertainment of facts. Reasons for requesting records would include investigation of patient complaints, verification of dental treatments, and any other valid reasons involving the Board's need to know.
- (c) Upon written request, copies of patient records, including dental x-rays, dental models, and the treatment rendered shall be made available to another dentist for continued treatment. A dentist is entitled to charge the patient a reasonable fee for their duplication.

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**§ 185-10-2710
Sedation**

Requirements for General Anesthesia, Parental Sedation, and Oral

- (a) A facility in which there will be the administration of general anesthesia, parenteral sedation, or oral sedation for dental procedures shall contain the following properly operating equipment and supplies that are properly used:
- (1) Anesthesia machine (only required for general anesthesia);
 - (2) Emergency medications;
 - (3) Electrocardiograph monitor;
 - (4) Pulse oximeter;
 - (5) Cardiac defibrillator;
 - (6) Positive pressure oxygen;
 - (7) Suction equipment;
 - (8) Laryngoscope and blades;
 - (9) Endotrachial tubes;
 - (10) Magill forceps;
 - (11) Oral airways;
 - (12) Stethoscope;
 - (13) Blood pressure monitoring device; and
 - (14) Precordial stethoscope.
- (b) Maintain a staff of supervised personnel capable of handling procedures, complications, and emergency incidents. All personnel involved in administering and monitoring general anesthesia, parenteral sedation, or oral sedation shall hold a current certificate in basic cardiopulmonary resuscitation (CPR).
- (c) A dentist wishing to administer general anesthesia may only do so if approved by the Board, having completed a recognized residency, and shall hold a current and valid general anesthesia permit issued by any U.S. State (excluding U.S. territories) or Canadian Territory.
- (d) A dentist wishing to administer intra venous (I.V.) sedation shall have a current and valid

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I.V. sedation permit issued by any U.S. State (excluding U.S. territories) or Canadian Territory.

- (e) A dentist wishing to administer pediatric oral sedation shall have completed at least twenty hours of accredited continuing education in this area and shall hold a current certificate in Pediatric Advanced Life Support (PALS).

§ 185-10-2715 Patient Rights

Each patient shall, at a minimum, be afforded the following rights:

- (a) To be treated with respect, consideration, and dignity;
- (b) To privacy in treatment;
- (c) To have their records kept confidential and private;
- (d) To be provided information concerning their diagnosis, evaluation, treatment options, and progress;
- (e) An opportunity to participate in decisions involving their health care;
- (f) To refuse any diagnostic procedure or treatment and be advised of the consequences of that refusal; and
- (g) To obtain a copy or summary of their personal dental record.

§ 185-10-2720 Impaired Dentists or Dental Hygienists

- (a) The Board shall have the power to deny an application; refuse to renew or restore; suspend; revoke; place on probation; or condition the license of any dentist or dental hygienist whose mental or physical ability to practice medicine with reasonable skill and safety is impaired.
- (b) By submission of an application for licensure or renewal, an applicant shall be deemed to have given his or her consent to submit to mental or physical examination and/or chemical dependency evaluation, including the taking of tissue or fluid samples, at his or her own expense, as the Board may direct, and to waive all objections as to the admissibility or disclosure of such information and related findings, reports, or recommendations in an administrative or judicial proceeding. If a licensee or applicant fails to submit to an

examination or evaluation when properly directed to do so by the Board, unless failure was due to circumstances deemed beyond the licensee's control, the Board shall be permitted to enter a final order upon proper notice, hearing, and proof of refusal.

- (c) If the Board finds, after examination and hearing, that the applicant or licensee is

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impaired, he/she shall be subject to the following:

- (1) Direct the applicant or licensee to submit to care, counseling, or treatment, at his or her own expense, acceptable to the Board; and
 - (2) Deny the application, suspend, place on probation, or condition the license for the duration of the impairment; or
 - (3) Revoke the license.
- (d) Any licensee or applicant who is prohibited from practicing dentistry or dental hygiene under this section shall, at reasonable intervals, be afforded an opportunity to demonstrate to the satisfaction of the Board that he or she can resume or begin to practice dentistry or dental hygiene with reasonable skill and safety. A license shall not be reinstated, however, without the payment of all applicable fees and the fulfillment of all requirements, as if the applicant had not been prohibited.

§ 185-10-2725 Reporting Requirements

- (a) Reporting to the Board.
- (1) Each licensee and each person in the Commonwealth employing a dental care professional shall report to the Board:
 - (i) Information, which it receives relating to the professional competence and conduct of a dental care professional, regulated pursuant to the law or these regulations. ~~In particular, it~~ shall report negative information;
 - (ii) A professional review action that adversely affects the dental privileges of a dental care professional for a period of more than 30 days; and
 - (iii) Acceptance of the surrender of dental privileges, or any restriction of such privileges, of a dental care professional.
 - (2) The Board shall provide a form for such reports.
 - (3) The report shall be made within thirty-five days of receipt of the information by the person or by a management-level individual.
- (b) Reporting to National and Interstate Data Banks.
- (1) The Board shall report adverse dental care professional information to the National

Practitioner Data Bank (NPDB), the American Association of Dental Examiners Clearinghouse for Board Actions, and such other interstate or national dental

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professional data bank within thirty-five days following such determination.

- (2) The information to be reported shall include:
- (i) Discipline of a dental care professional described by, or undertaken pursuant to, the law and these regulations, and without regard to whether the action of the disciplining entity has been stayed by a reviewing court;
 - (ii) A professional review action that adversely affects the dental privileges of a dental care professional for a period of more than thirty days; and
 - (iii) Acceptance of the surrender of dental privileges or any restriction of such privileges of a dental care professional.

§ 185-10-2730 Disciplinary Action

The Board shall have the power to impose administrative penalties and/or reprimands; revoke or suspend; or refuse to issue, restore, or renew the license of any person who is found guilty of one or more of the violations pursuant to P.L. 15-105 § 2224 and §§ 185-10-901 to -1300 of the regulations, including, but not limited to the following:

- (a) Exercising undue influence on the patient or client, including the promotion of the sale of services, goods, appliances, or drugs in such manner as to exploit the patient or client for the financial gain of the practitioner or a third party;
- (b) Failing to make available to a patient or client, upon request, copies of documents in the possession or under the control of the licensee that have been prepared for and paid for by the patient or client;
- (c) Making false or materially incorrect or inconsistent entries in any patient records or in the records of any health care facility, school, institution, or other workplace location;
- (d) Revealing personally identifiable facts, data, or information obtained in a professional capacity without the prior consent of the patient or client, except as authorized or required by law;
- (e) Practicing or offering to practice beyond the scope permitted by law; accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform; or performing, without adequate supervision, professional services that the licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger;
- (f) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by

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training, by experience, or by licensure, to perform them;

- (g) Performing professional services which have not been duly authorized by the patient or client or his or her legal representative;
- (h) Failing to maintain an accurate and legible written evaluation and treatment history for each patient;
- (i) Failing to identify to a patient, patient's guardian, or the Board the name of an employee, employer, contractor, or agent who renders dental treatment or services upon request;
- (j) Failing to report suspected child abuse to the proper authorities, as required by law;
- (k) Failing to respond to written communications from the Board to make available any relevant records, with respect to an inquiry or complaint, about the licensee's unprofessional conduct;
- (l) Falsifying, altering, or destroying treatment records in contemplation of an investigation by the Board or a lawsuit being filed by a patient;
- (m) Intentionally presenting false or misleading testimony, statements, or records to the Board or the Board's investigator or employees during the scope of any investigation or at any hearing of the Board;
- (n) Committing or conspiring to commit an act which would tend to coerce, intimidate, or preclude any patient or witness from testifying against a licensee in any disciplinary hearing, or retaliating in any manner against any patient or other person who testifies or cooperates with the Board during any investigation involving the Board;
- (o) Violating any lawful order of the Board previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the Board;
- (p) Violating any term of probation, condition, or limitation imposed on the licensee by the Board;
- (q) Practicing with an expired, suspended, or revoked license, permit, or registration;
- (r) Using the title "doctor," "dentist," "dental surgeon," "dental hygienist," "dental therapist," or the letters "D.D.S." or "D.M.D." or other modifications, derivatives, or acronyms thereof, in the individual or firm name, or in any title, sign, card, ad, electronic communication, or other device to indicate that the person or firm is practicing dentistry, dental hygiene, or dental therapy;
- (s) Prescribing controlled substances for a habitual drug user in the absence of substantial dental justification, if the licensee knows or has reason to know the patient is a habitual drug user;

**TITLE 185: COMMONWEALTH HEALTH CARE PROFESSIONS
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- (t) Using or removing controlled substances from any health care facility or other work place location without prior authorization;
- (u) Failing to exercise reasonable diligence to prevent partners, associates, and employees from engaging in conduct which would violate any rule, regulation, or order of the Board;
- (v) Failing to avoid interpersonal relationships that could impair professional judgment or risk the possibility of exploiting the confidence of a patient, including committing any act of sexual abuse, misconduct, or exploitation related to the licensee's practice of dentistry;
- (w) Termination of a dentist-patient relationship by a dentist; unless reasonable notice of the termination is provided to the patient. For purposes of this provision, a "dentist patient" relationship exists where a dentist has provided dental treatment to a patient on at least one occasion within the preceding year. "Termination of a dentist-patient relationship by the dentist" means that the dentist is unavailable to provide dental treatment to a patient, under the following circumstances:
 - (1) The office where the patient has received dental care has been closed for a period ~~in excess of~~ more than fifty days; or
 - (2) The dentist discontinues treatment of a particular patient for any reason, including non- payment of fees for dental services, although the dentist continues to provide treatment to other patients at the office location.
- (x) Interfering or attempting to interfere with the professional judgment of an individual who is licensed or certified by the Board. Examples include, but are not limited to, the following:
 - (1) Establishing professional standards, protocols, or practice guidelines which conflict with generally accepted standards within the dental profession;
 - (2) Entering into any agreement or arrangement for management services that interferes with a dentist's exercise of his/her independent professional judgment or encourages improper overtreatment or undertreatment by dentists;
 - (3) Placing limitations or conditions upon communications, clinical in nature, with the dentist's patients;
 - (4) Precluding or restricting an individual's ability to exercise independent professional judgment over all qualitative and quantitative aspects of the delivery of dental care; or
 - (5) Penalizing a dentist for reporting violations of a law regulating the practice of dentistry.

§ 185-10-2735

Principles of Ethics and Code of Professional Conduct

**TITLE 185: COMMONWEALTH HEALTH CARE PROFESSIONS
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- (a) For licensed dentists, the Board adopts, as if fully set out herein and to the extent that it does not conflict with CNMI laws, rules, or Board Position Statements, the American Dental Association (ADA) Principles of Ethics and Code of Professional Conduct as it may, from time to time, be amended. A copy of the ADA Principles of Ethics and Code of Professional Conduct may be obtained by contacting the American Dental Association at 211 East Chicago Avenue, Chicago, IL 60611, or by phone at (312) 440-2500, or on the Internet at <http://www.ada.org>.
- (b) For licensed dental hygienists, the Board adopts, as if fully set out herein and to the extent that it does not conflict with CNMI laws, rules, or Board Position Statements, the American Dental Hygienists' Association (ADHA) Code of Ethics for Dental Hygienists as it may, from time to time, be amended. A copy of the ADHA Code of Ethics for Dental Hygienists may be obtained by contacting the American Dental Hygienists' Association at 444 North Michigan Avenue, Suite 3400, Chicago, IL 60611, or by phone at (312) 440-8900, or on the Internet at <http://www.adha.org>.
- (c) For registered dental assistants, the Board adopts, as if fully set out herein and to the extent that it does not conflict with CNMI laws, rules, or Board Position Statements, the American Dental Assistants Association (ADAA) Principles of Ethics and Professional Conduct as it may, from time to time, be amended. A copy of the ADAA Principles of Ethics and Professional Conduct may be obtained by contacting the American Dental Assistants Association at 203 North LaSalle Street, Chicago, IL 60601-1225, or by phone at (312) 541- 1550, or on the Internet at <http://www.dentalassistant.org>.

Part 2700 - [Reserved as Part of 2600]



Commonwealth of the Northern Mariana Islands
HEALTH CARE PROFESSIONS LICENSING BOARD

P.O. Box 502078, Bldg., 1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670) 664-4809 Fax: (670) 664-4814
Email: cnmi@cnmibpl-hcplb.net
Website: cnmibpl-hcplb.net



**NOTICE OF PROPOSED REGULATIONS TO THE
HEALTH CARE PROFESSIONS LICENSING BOARD FOR
TELEHEALTH AND TELEMEDICINE**

INTENDED ACTION TO ADOPT THIS PROPOSED REGULATION: The Health Care Professions Licensing Board (HCPLB) intends to adopt as permanent regulation the attached Proposed Amendment, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The regulation would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC § 9105(b)).

AUTHORITY: The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to 3 CMC § 2206(b), as amended.

THE TERMS AND SUBSTANCE: Regulation History: PL 15-105 (effective when approved by Governor Benigno R. Fitial, November 7, 2007), the "Health Care Professions Act of 2007," 3 CMC §§ 2201-36. The Act created a Health Care Professions Licensing Board, as an independent regulatory agency, without placing it in a department. The Board is authorized to license health care professionals in the Commonwealth, establish standards for educational programs, administer exams, and to discipline licensees for violations of the act. See PL 15-105. 3 CMC § 2206(b), which empowers the Board to adopt rules and regulations consistent with the Act and necessary to carry out the Act's provisions, including define and describe the regulated professions and their practice. The regulations for Telehealth and Telemedicine are to be included in the health care professions, under the power, jurisdiction and authority of the HCPLB. §2212 of PL 15-105. (This is a new regulation and is not included in §2212)

THE SUBJECTS AND ISSUES INVOLVED: These are proposed rules and regulations is for the practice of Telehealth and Telemedicine.

DIRECTIONS FOR FILING AND PUBLICATION: The Board is soliciting comments regarding this proposed amendment which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed amendment by contacting us at 664-4809 or by email at cnmi@cnmibpl-hcplb.net or come by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be dropped off at our office or sent to the BPL, P.O. Box 502078, Saipan, MP, 96950.

Submitted By: _____


Esther S. Fleming
Executive Director

4/28/23
Date

Received By:


Oscar M. Babauta
Special Assistant for Administration

4/28/2023

Date

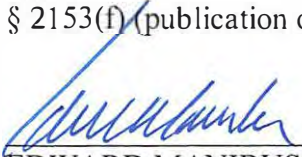
Filed and Recorded By:


Esther San Nicolas
Commonwealth Registrar

4-28-23

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 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).


EDWARD MANIBUSAN
Attorney General

4/28/2023

Date



Commonwealth gi Sankattan na Islas Mariñas
HEALTH CARE PROFESSIONS LICENSING BOARD
P.O. Box 502078, Bldg., 1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670) 664-4809 Fax: (670) 664-4814
Email: cnmi@cnmibpl-hcplb.net
Website: cnmibpl-hcplb.net



**NUTISIA PUT I MANMAPROPONI NA REGULASIÓ GI
HEALTH CARE PROFESSIONS LICENSING BOARD PARA
TELEHEALTH YAN TELEMEDICINE**

I AKSION NI MA'INTENSIONA PARA U MA'ADÁPTA ESTI I MANMAPROPONI NA REGULASION SIHA: I Health Care Professions Licensing Board (HCPLB) ha intensiona para u adápta komu petmanienti na regulasion i mañechettun na Manmaproponi na Amenda, sigun gi manera nu i Ákton i Procedure, 1 CMC § 9104(a). I regulasion siempri umifektibu gi dies (10) dihas dispues di "compliance" yan 1 CMC §§ 9102 yan 9104(a) pat (b) (1 CMC § 9105(b)).

ATURIDÁT: I Health Care Professions Licensing Board gai istatua na aturidát para u cho'gui yan na'ifektibu i regulasion siha sigun para 3 CMC § 2206(b), komu ma'amenda.

I TEMA YAN SUSTÁNSIAN I PALÁBRA SIHA: I regulasion para i Telehealth yan Telemedicine para u mana'danña hálum gi prufessionát inadahn hinemlu', gi pãpa' fuetsa yan aturidát nu i HCPLB. §2212 nu PL 15-105. (Nuebu esti na regulasió ya ti inklusu gi halum i §2212)

SUHETU YAN ASUNTU NI TINEKKA: Nuebu esti na manmaproponi na areklamentu yan regulasió para i prinaktikan nu Telehealth yan Telemedicine.

DIREKSIÓN PARA U MAPEGA YAN PUPBLIKASIÓ: I Kuetpu mamamaisin upiñon siha put esti i manmaproponi na amenda ni debi di u marisibi ni i Kuetpu gi hálum i trenta (30) dihas gi primet na pupublikasion esti na nutisia gi hálum i Rehistran Commonwealth. I intirisão na petsona siha siña marikuesta kopian i manmaproponi na amenda. Ágang han gi 664-4808/09 pat email gi info@cnmilicensing.gov.mp pat bisita i ufisinan-mãmi ni gaigi gi Bldg. 1242, Pohnpei Ct., Capito Hill, Saipan. I tinigi' upiñon siha put esti na amenda siha debi na u machuli' guatu gi ufisinan-mãmi pat na'hãno para i BPL, P. O. Box 502078, Saipan, MP 96950.

Nina'hálum as: 
Esthen S. Fleming
Executive Director

4/28/23
Fetcha

Rinisibi as: 
Oscar M. Babauta
Ispisiát na Ayudánti para i Atministrasió

4/28/23
Fetcha

Pine'lu yan
Ninota as:



Esther San Nicolas
Rehistran Commonwealth

4.28.23

Fetcha

Sigun i 1 CMC § 2153(e) (I Abugâdu Henerât ha aprueba i regulasion siha na para u macho'gui kumu fotma) yan 1 CMC § 9104(a) (3) (hentan inaprueban Abugâdu Henerât) i manmaproponi na Regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligât ginin i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153(f) (pupublikasion i areklamentu yan regulasion siha).



EDWARD MANIBUSAN
Abugâdu Hinirât

4/28/2023

Fetcha



Commonwealth Téel Falúw kka Efáng Ilól Marianas
HEALTH CARE PROFESSIONS LICENSING BOARD

P.O. Box 502078, Bldg., 1242 Pohnpei Court

Capitol Hill, Saipan, MP 96950

Tel No: (670) 664-4809 Fax: (670) 664-4814

Email: cnmi@cnmibpl-hcplb.net

Website: cnmibpl-hcplb.net



**ARONGORONGOL TOULAP REEL PPWOMMWOL MWÓGHUTUGHUT NGÁLI
HEALTH CARE PROFESSIONS LICENSING BOARD NGÁLI
TELEHEALTH ME TELEMEDICINE**

MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI PPWOMMWOL MWÓGHUTUGHUT: Health Care Professions Licensing Board (HCPLB) re mángemángil rebwe adóptááli Ppwommwol Liiwel ikka e appasch bwe ebwe lléghló, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló mwóghutughut seigh (10) ráál mwiril aal angúungú fengál me 1 CMC §§ 9102 me 9104(a) ngare 9(b) (1 CMC § 9105(b)).

BWÁNGIL: E yoor bwángil Health Care Professions Licensing Board rebwe aronga me isiisiwow mwóghut sáangi 3 CMC § 2206(b), igha e liiwe.

KKAPASAL ME WEEWEEL: Mwóghutughutúl Telehealth me Telemedicine ebwe schuulong llól health care professions, faal lemelemil, me bwángil HCPLB. §2212 reel Alléghúl Toulap 15-105. (E ffé mwóghutughut yeel me ese schuu llól §2212)

KKAPASAL ME AUTOL: E ffé ppwommwol allégh me mwóghutughut kkaal ngáli Telehealth me Telemedicine.

AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Board re tingór kkapas ikka e súllúngáli ppommwol liiwe kkal re bwughi sáangi Board llól eliigh (30) ráál mwiril aal ghommwal akkatééwow me llól Commonwealth Register. Schóo kka re tipáli rebwebweibwogh pappidil ppommwol liiwe kkaal rebwe faingi ghámem me 664-4808-09 ngare email me info@cnmilicensing.gov.mp ngare mweteló bwulasiyo iye e lo Bldg. 1242, Pohnpei Ct., Asúngúl, Seipél. Ischil kkapas wóól liiwe kkaal ebwe isiisiló bwulasiyo ngare afanga ngáli BPL, P.O. Box 502078, Saipan, MP, 96950.

Isáliyalong:

Esther S. Fleming
Executive Director

4/28/23

Ráál

Bwughiyal:

Oscar M. Babauta
Special Assistant ngáli Administration

4/28/23

Ráál

Ammwelil:



Esther San Nicolas
Commonwealth Registrar

Y-28-23

Ráál

Sáangi 1 CMC § 2153(e) (sáangi átirowal AG reel mwóghutughut bwe aa lléghló reel fféerúl) me 1 CMC § 9104(a) (3) (sáangi átirowal AG) reel ppwommwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me aa lléghló reel fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalapal CNMI me ebwe akkatééwow, 1 CMC § 2153(f) (akkatééwowul allégh me mwóghutughut).



EDWARD MANIBUSAN
Soulemelemil Allégh Lapalap

4/28/2023

Ráál

**SUBCHAPTER 185-10
COMMONWEALTH HEALTH CARE PROFESSIONS LICENSING
BOARD REGULATIONS**

Part 1400 Telehealth and Telemedicine

- § 185-10-1401 Definitions**
- § 185-10-1405 Practice of Telehealth and Telemedicine**
- § 185-10-1410 Requirement to be Licensed**
- § 185-10-1415 Informed Consent**
- § 185-10-1420 Confidentiality**
- § 185-10-1425 Complaints to the Board**
- § 185-10-1430 Exception to Licensure for Telehealth/Telemedicine**

Part 1400 Telehealth and Telemedicine

§ 185-10-1401 Definitions

- (a) **"Telehealth service"** is a health service, ~~other than an in-person medical service,~~ delivered by a health professional licensed, certified, or otherwise entitled to practice in the Commonwealth and acting within the scope of the health professional's license, certification, or entitlement to a patient at a different physical location than the health professional using telecommunications or information technology.
- (b) **"Telemedicine medical service"** is a health care service delivered by a physician licensed in the Commonwealth, or a health professional acting under the delegation and supervision of a physician licensed in the Commonwealth and acting within the scope of the physician's or health professional's license to a patient at a different physical location than the physician or health professional using telecommunications or information technology.
- (c) **"Telemedicine"** is the delivery of medical services and any diagnosis, consultation, treatment, transfer of medical data or education related to health care services by a health care professional using interactive audio or interactive video communication instead of in person contact.
- (d) **"Health Care Professional"** or **"Health Professional"** is anyone licensed by the Commonwealth of the Northern Mariana Islands Healthcare Professions Licensing Board ~~or who is authorized to practice through a Compact to which the CNMI is a member.~~

§ 185-10-1405 Practice of Telehealth and Telemedicine

Any health care professional licensed in the Commonwealth ~~or who is authorized to practice through a Compact to which the CNMI is a member~~ may practice telehealth and/or telemedicine.

§ 185-10-1410 Requirement to be Licensed

To be eligible to practice telehealth or telemedicine, a health professional must be licensed in the Commonwealth of the Northern Mariana Islands in accordance with their specific licensing requirements ~~or be authorized to practice through a Compact to which the CNMI is a member.~~

§ 185-10-1415 Informed Consent

A treating physician or health professional who provides or facilitates the use of telemedicine medical services or telehealth services shall ensure that the informed consent of the patient, or another appropriate individual authorized to make health care treatment decisions for the patient, ~~is obtained, consistent with the guidelines for their profession before~~ telemedicine medical services or telehealth services are provided.

§ 185-10-1420 Confidentiality

- (a) Health professionals who provide or facilitate the use of telemedicine medical services or telehealth services shall ensure that the confidentiality of the patient's medical information is maintained as required by applicable ~~local and federal~~ laws.

- (b) Health **care** professionals that communicate with patients by electronic communications must provide patients with written or electronic notification of the **health care professional's** privacy practices prior to evaluation or treatment via a **telehealth medical** service. In addition, a good faith effort must be made to obtain the patient's written or electronic acknowledgement, including by e-mail, of the notice.

§ 185-10-1425 Complaints to the Board

Health professionals that **use** telehealth or telemedicine medical services must provide notice of how patients may file a complaint with the Board.

§ 185-10-1430 Exception to Licensure for Telehealth/Telemedicine

A licensed **health care professional** who resides outside of the Commonwealth within a State, Federal jurisdiction or country is not subject to Commonwealth **medical** licensure requirements where said licensed health care professional is providing consultation to a Commonwealth licensed health care professional using telemedicine technology if:

- (a) the non-resident licensed consulting health care professional operates no clinical practice or office in the Commonwealth.
- (b) the non-resident licensed consulting health care professional does not render any final written or otherwise documented final medical opinion concerning the diagnosis or treatment of a patient in the Commonwealth directly to the patient; and
- (c) the non-resident licensed consulting health care professional does not render any treatment to any patient in the Commonwealth.
- (d) the non-resident licensed consulting health care professional may render care and provide final diagnostic and treatment decisions without an active Commonwealth license if the consultant is to act as a receiving health care professional for the patient in the consultant's jurisdiction.
- (e) the non-resident licensed consulting health care professional may render care and provide diagnostic and treatment recommendations without an active Commonwealth license if the consulting health care professional acts jointly and directly with the local attending health care professional of the patient who is the subject of the consultation.
- (f) the non-resident licensed consulting health care professional rendering consultation shall abide by all local and federal laws regarding patient confidentiality.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF LABOR
ADMINISTRATIVE HEARING OFFICE

In Re Matter of:) PUA Case No. 23-0225
)
Ka Yee Danny Siu,)
)
Appellant,) ADMINISTRATIVE ORDER GRANTING
) APPELLANT'S REQUEST FOR
v.) DISMISSAL
)
CNMI Department of Labor,)
Division of Employment Services-PUA,)
)
Appellee.)

Pursuant to Appellant's request to appeal, this matter was set for an Administrative Hearing on May 23, 2023 at 9:00 a.m. On March 3, 2023, Appellant filed a written request to withdraw his appeal stating the Department explained he was not eligible. On March 22, 2023, Department filed a motion to dismiss stating the issues in this case have been resolved and no overpayment occurred during the weeks being appealed. On March 24, 2023, Appellant confirmed in writing that he agrees with the Department's motion to dismiss.

In consideration of above, the undersigned finds dismissal is appropriate. Accordingly, this appeal is hereby **DISMISSED** and the Administrative Hearing scheduled for May 23, 2023 at 9:00 a.m. is **VACATED**. The Department's Determination, dated January 24, 2023, is **FINAL**. In the event the Appellant disagrees with a subsequent determination or notice, Appellant may file a new appeal.

So ordered this **27th** day of March, 2023.

/s/

Catherine J. Cachero
Administrative Hearing Officer

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF LABOR
ADMINISTRATIVE HEARING OFFICE



In Re the Matter of:)
) Labor Case No. 19-057
)
Christopher R. Lilles,)
)
Complainant,) **ORDER OF DISMISSAL**
)
v.)
)
Micronesia Resort Inc.,)
)
Respondent.)

Based on the parties' Stipulated Status Report and for good cause shown, this case is hereby dismissed with prejudice including all claims and defenses that have been brought or could have been brought. Each party shall bear their own attorney's fees and costs.

So ordered this 18th day of April, 2023.

/s/

Jacqueline A. Nicolas
Chief Administrative Hearing Officer