

~~PRESIDENTIAL COMM. NO. 8-162~~
~~FSM CONGRESS~~

AN ACT

To further amend title 41 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-21, 6-9 and 6-38, by adding a new chapter 9 to establish a National Board of Nursing to regulate the practice of and educational requirements for nursing; to establish the National Board of Nursing Fund; by further amending sections 202 and 204 of title 41 of the Code of the Federated States of Micronesia, as amended by Public Law No. 5-21, to change the definition of "practice of medical health care"; to appropriate the sum of \$28,200 from the General Fund of the Federated States of Micronesia for the fiscal year ending September 30, 1994 to fund the initial capitalization of the National Board of Nursing Fund; and for other purposes.

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

1 Section 1. Title 41 of the Code of the Federated States of
2 Micronesia is hereby further amended by adding a new section 901 of
3 chapter 9 to read as follows:

4 "Section 901. Title. This act shall be known and cited as
5 the 'Federated States of Micronesia Nursing Practice Act.'"

6 Section 2. Title 41 of the Code of the Federated States of
7 Micronesia is hereby further amended by adding a new section 902 of
8 chapter 9 to read as follows:

9 "Section 902. Purpose. The purpose of this chapter is to
10 promote, preserve and protect the public's health, safety
11 and welfare by regulating the practice of and educational
12 preparation and title use for the nursing profession."

13 Section 3. Title 41 of the Code of the Federated States of
14 Micronesia is hereby further amended by adding a new section 903 of
15 chapter 9 to read as follows:

16 "Section 903. Definitions. In this chapter, unless the
17 context otherwise requires, the following words and phrases
18 shall have the following meanings:

19 (1) 'Board' or 'Board of Nursing' means the National
20 Bord of Nursing established under this chapter.

21 (2) 'Board Administrator' means a person employed by
22 the National Nursing Board to perform administrative

1 responsibilities of the Board.

2 (3) 'Fund' means the National Board of Nursing
3 Fund established pursuant to section 924 of this title.

4 (4) 'General Fund' means the General Fund of the
5 Federated States of Micronesia.

6 (5) 'Institution' means, unless otherwise specified
7 in the chapter, any health agency, organization, hospital,
8 or clinical facility, private or public, employing nurses or
9 providing a site for clinical training of nursing students.

10 (6) 'Licensee' means a Licensed Practical Nurse,
11 Registered Nurse or Advanced Practice Nurse, such as a nurse
12 practitioner, nurse midwife or nurse anesthetist, who is
13 duly licensed by the Board of Nursing under the chapter and
14 regulations promulgated pursuant to this chapter.

15 (7) 'Petitioner' means a licensee, a potential
16 licensee or a person representing an institution who is
17 petitioning the Board of Nursing for a hearing or who is
18 participating in a hearing before the Board in accordance
19 with procedures established under this chapter and in
20 chapter 1 of title 17 of the Code of the Federated States
21 of Micronesia.

22 (8) 'Practice of nursing' means assisting an
23 individual, family or community to maintain or attain
24 optimal health by the actions, behaviors and attitudes of
25 nurses as delineated in the regulations promulgated pursuant

1 to this chapter. The practice of nursing shall include
2 meeting basic needs of direct care such as safety,
3 nutrition, comfort, confidentiality, personal hygiene and
4 by implementing a strategy of care that is based on the
5 established nursing process. The practice of nursing
6 includes promoting health and preventing illness through
7 health education, counseling and primary care measures as
8 well as practicing advanced clinical skills in caring for
9 those in ill health. The practice of nursing includes a
10 professional commitment towards providing care in a
11 systematic and caring manner, acting as an advocate for the
12 patient/client, family, or community, collaborating with
13 other health professionals and agencies, as well as engaging
14 in self-evaluation, self-initiated and self-directed actions
15 for growth and development.

16 (9) 'President' means the President of the Federated
17 States of Micronesia.

18 (10) 'Secretary' means the Secretary of the Federated
19 States of Micronesia National Government Department of
20 Health Services."

21 Section 4. Title 41 of the Code of the Federated States of
22 Micronesia is hereby further amended by adding a new section 904 of
23 chapter 9 to read as follows:

24 "Section 904. National Board of Nursing established;
25 Membership.

1 (1) The President shall establish a National Board of
2 Nursing, within the Federated States of Micronesia National
3 Government Department of Health Services, consisting of five
4 members:

5 (a) Four members, one from each State, shall be
6 appointed by the President after consultation with the
7 Governor of each State, based upon recommendations of each
8 respective State Nursing Association. Appointments to the
9 National Board of Nursing require the advice and consent of
10 the Congress of the Federated States of Micronesia, in the
11 manner set forth in title 3, section 501 of the Code of
12 the Federated States of Micronesia. Each Board member
13 shall be a citizen of the Federated States of Micronesia
14 with five years of experience as a Licensed Graduate Nurse,
15 or Registered Nurse.

16 (b) The President shall appoint one additional
17 Board member, with the advice and consent of the Congress,
18 who is a nurse representing the nursing profession in the
19 National Government and a citizen of the Federated States
20 of Micronesia.

21 (2) All Board members shall be voting members with
22 equal voting power."

23 Section 5. Title 41 of the Code of the Federated States of
24 Micronesia is hereby further amended by adding a new section 905 of
25 chapter 9 to read as follows:

1 "Section 905. Initial terms of office. At the creation of
2 the Board, the initial terms of office shall be decided by
3 each member drawing lots. Two Board members shall serve an
4 initial 2-year term; two Board members shall serve an
5 initial 3-year term; and one Board member shall serve an
6 initial 4-year term. After the initial terms have been
7 completed, the regular terms of office shall be as provided
8 in section 906."

9 Section 6. Title 41 of the Code of the Federated States of
10 Micronesia is hereby further amended by adding a new section 906 of
11 chapter 9 to read as follows:

12 "Section 906. Terms of office. The regular term of office
13 for all Board members shall be 3 years. No Board member,
14 including members of the initial Board, shall serve more
15 than two consecutive terms, except that members of the
16 Board may serve beyond the expiration date of their terms
17 until their successors have been appointed."

18 Section 7. Title 41 of the Code of the Federated States of
19 Micronesia is hereby further amended by adding a new section 907 of
20 chapter 9 to read as follows:

21 "Section 907. Notification of expiration of terms. The
22 Board, through its chairperson, shall provide written
23 notification to the President, the Congress and each State
24 Nursing Association, of the upcoming expiration of
25 any Board member's term. Written notice shall be given

1 within 90 days of any term expiring."

2 Section 8. Title 41 of the Code of the Federated States of
3 Micronesia is hereby further amended by adding a new section 908
4 of chapter 9 to read as follows:

5 "Section 908. Vacancies. Any vacancy on the Board shall be
6 filled pursuant to section 904 and notice shall be given by
7 the Board to the President, the Congress, and each State
8 Nursing Association, pursuant to section 907 of this chapter."

9 Section 9. Title 41 of the Code of the Federated States of
10 Micronesia is hereby further amended by adding a new section 909 of
11 chapter 9 to read as follows:

12 "Section 909. Quorum. A quorum of the Board shall consist
13 of a majority of all members. All official business of the
14 Board shall be conducted by a majority of those voting once
15 a quorum is established."

16 Section 10. Title 41 of the Code of the Federated States of
17 Micronesia is hereby further amended by adding a new section 910 of
18 chapter 9 to read as follows:

19 "Section 910. Officers and employees.

20 (1) The Board shall appoint annually three officers: a
21 chairperson to preside at meetings and represent the Board
22 in its official capacity, which shall include performing the
23 functions of a hearing officer as specified in chapter 1 of
24 title 17 of the Code of the Federated States of Micronesia;
25 a vice chairperson to undertake activities of the chair-

1 person in the chairperson's absence; and a secretary-
2 treasurer who shall oversee the Board's financial and
3 recordkeeping obligations.

4 (2) The Secretary may employ a full-time Board
5 Administrator, as recommended by the Board, to perform
6 administrative responsibilities of the Board and undertake
7 other activities as the Board requests. The Secretary may
8 employ other personnel as requested by the Board to assist in
9 performing the Board's duties and responsibilities."

10 Section 11. Title 41 of the Code of the Federated States of
11 Micronesia is hereby further amended by adding a new section 911 of
12 chapter 9 to read as follows:

13 "Section 911. Meetings. The Board shall hold meetings
14 within the Federated States of Micronesia, rotating meetings
15 among the States, on a regular basis at least twice annually
16 and more often, if necessary, to conduct its business. The
17 meetings shall be open to the public unless the Board is
18 conducting a hearing regarding a disciplinary matter. When
19 the Board is conducting a hearing regarding a disciplinary
20 matter, the hearing will be closed to the public unless the
21 petitioner requests in writing that the hearing be open."

22 Section 12. Title 41 of the Code of the Federated States of
23 Micronesia is hereby further amended by adding a new section 912 of
24 chapter 9 to read as follows:

25 "Section 912. Expenses - Compensation. The members of the

1 Board shall receive airfare, per diem and car rental,
2 where justified and necessary, at standard National
3 Government rates while on Board-approved business. Those
4 members who are employees of the National Government shall
5 be granted administrative leave and receive their regular
6 salaries while on business of the Board. Other members who
7 are not otherwise being compensated shall receive
8 compensation on a daily basis while on Board-approved
9 business. The rate of compensation shall be established by
10 the Board, but shall not exceed \$50 per day."

11 Section 13. Title 41 of the Code of the Federated States of
12 Micronesia is hereby further amended by adding a new section 913 of
13 chapter 9 to read as follows:

14 "Section 913. Indemnification of members. Every member of
15 the Board shall be indemnified by the Board against all
16 expenses and liabilities reasonably incurred or imposed upon
17 such member of the Board in connection with any threatened,
18 pending, or completed action, suit or proceeding to which
19 the member may become involved by reason of being or having
20 been a member of the Board. Indemnity applies whether or not
21 such member of the Board is a member of the Board at the
22 time such expenses are incurred. Indemnity applies only to
23 actions performed within the duties of office. The right of
24 indemnity shall be in addition to, and not exclusive of,
25 all other rights to which such members of the Board may be

1 entitled."

2 Section 14. Title 41 of the Code of the Federated States of
3 Micronesia is hereby further amended by adding a new section 914 of
4 chapter 9 to read as follows:

5 "Section 914. Powers and duties. The Board shall be
6 responsible for enforcing the provisions of this chapter and
7 the regulations promulgated pursuant to this chapter.

8 (1) In carrying out its activities, the Board shall
9 have the following powers:

10 (a) To make, adopt, amend, repeal and enforce
11 regulations and issue guidelines consistent with this
12 chapter;

13 (b) To develop and enforce minimum qualifications
14 for licensure of nurses and define categories of nurses to be
15 authorized by the Board to practice nursing in the Federated
16 States of Micronesia;

17 (c) To grant an advanced practice nurse
18 prescriptive authority, subject to applicable law and as
19 defined and regulated by the regulations promulgated pursuant
20 to this chapter;

21 (d) To develop and enforce reasonable and uniform
22 minimum standards throughout the Federated States of
23 Micronesia for nursing practice and education,
24 including the power to inspect and certify institutions
25 providing nursing education and clinical training within

1 the Federated States of Micronesia;

2 (e) To examine, license and renew the licenses
3 of duly qualified individuals based upon nondiscriminatory,
4 written criteria;

5 (f) To develop and enforce minimum standards for
6 continued competency of licensees continuing or returning to
7 practice;

8 (g) To restrict the practice or limit the license
9 of individuals determined by the Board to constitute a risk
10 to the public's health, safety or welfare;

11 (h) To impose and collect reasonable fees and
12 receive and expend funds in addition to any appropriations
13 from the Federated States of Micronesia, provided the funds
14 are received and expended for the pursuit of authorized
15 objectives of the Board. Such funds shall be kept in a
16 separate account, and financial reports shall be filed
17 no later than October 1 of each year with the President and
18 the Congress;

19 (i) To seek injunctions and court orders to ensure
20 compliance of individuals or institutions with provisions of
21 this chapter when the Board determines that the public's
22 health, safety and welfare is threatened;

23 (j) To assemble and remunerate ad hoc committees
24 and individuals to advise the Board in carrying out its
25 functions under this chapter;

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- 1 (k) To join organizations that develop and
2 regulate the national nursing licensure examinations
3 and promote improved standards of nursing practice;
- 4 (l) To develop and institute bylaws to
5 govern the functioning of the Board;
- 6 (m) To adopt and use a seal in official
7 activities of the Board;
- 8 (n) To institute studies and collect data on
9 nursing practice and education;
- 10 (o) To provide consultation on nursing and
11 conduct conferences on nursing; and
- 12 (p) To carry out other activities which are
13 necessary for the Board to perform its functions according
14 to the purpose of this chapter and that are not in conflict
15 with other laws.
- 16 (2) In addition to the powers listed above, the Board
17 has the following duties:
- 18 (a) To provide adequate notice to all licensees
19 about changes in the nursing law and regulations;
- 20 (b) To implement a disciplinary process;
- 21 (c) To provide confidentiality to individuals
22 and institutions under investigation by the Board for any
23 possible violation of this chapter or regulations
24 promulgated pursuant to this chapter;
- 25 (d) To reasonably manage funds the Board receives

1 from collection of fees and from government appropriations
2 and other sources;

3 (e) To maintain a current register of nurses
4 licensed to practice nursing in the Federated States of
5 Micronesia. The register shall reflect any disciplinary
6 action taken against a licensee and shall be made available
7 upon request only to employers or potential employers of
8 nurses, to an individual licensee who wishes to confirm his
9 or her license status, and to nursing boards outside the
10 Federated States of Micronesia. The Board may charge a
11 reasonable administrative fee for releasing a copy of the
12 license; and

13 (f) To take such other actions and assume such
14 other responsibilities as may be necessary or appropriate to
15 carry out the powers and duties granted to or imposed upon
16 it by this chapter."

17 Section 15. Title 41 of the Code of the Federated States of
18 Micronesia is hereby further amended by adding a new section 915 of
19 chapter 9 to read as follows:

20 "Section 915. Application of administrative procedures.
21 The procedures set forth in title 17 of the Code of the
22 Federated States of Micronesia, including any amendments to
23 it, are expressly adopted and incorporated herein as if all
24 of the provisions of that title were included in this
25 chapter, except that the 'highest administration official of

1 the department' shall be the Board; the 'hearing officer'
2 shall be the chairperson of the Board; disciplinary hearings
3 shall be closed to the public unless the petitioner requests
4 in writing that the hearing be open to the public; and the
5 Board has the express authority to promulgate regulations."

6 Section 16. Title 41 of the Code of the Federated States of
7 Micronesia is hereby further amended by adding a new section 916 of
8 chapter 9 to read as follows:

9 "Section 916. License requirements. The Board, in
10 accordance with its powers established pursuant to section
11 914 of this chapter, shall develop regulations stating the
12 requirements for obtaining a license to practice nursing and
13 use the title of Licensed Practical Nurse, Registered Nurse
14 or Advanced Practice Nurse in the Federated States of
15 Micronesia."

16 Section 17. Title 41 of the Code of the Federated States of
17 Micronesia is hereby further amended by adding a new section 917 of
18 chapter 9 to read as follows:

19 "Section 917. License required. No person shall
20 practice nursing as defined in this chapter, or use the
21 title of Licensed Practical Nurse, Registered Nurse or
22 Advanced Practice Nurse, or in any way hold herself or
23 himself out to the public or to any person or institution
24 as entitled to practice nursing in the Federated States of
25 Micronesia, without a valid license issued by the Board of

1 Nursing."

2 Section 18. Title 41 of the Code of the Federated States of
3 Micronesia is hereby further amended by adding a new section 918 of
4 chapter 9 to read as follows:

5 "Section 918. Discipline. Every licensee and applicant for
6 a license may be disciplined as provided in this section.
7 The proceedings under this section shall be conducted in
8 accordance with title 17 of the Code of the Federated States
9 of Micronesia and section 915 of this chapter.

10 (1) The Board may take action against a licensee or an
11 applicant for a license upon reasonable proof that such a
12 person:

13 (a) Has been convicted by a court or another
14 board of nursing or has entered a plea of nolo contendere
15 made to a charge substantially related to the
16 qualifications, functions and duties of a nurse;

17 (b) Has been disciplined by a board of nursing in
18 another jurisdiction, including having a nursing license in
19 another jurisdiction revoked, denied, suspended or otherwise
20 restricted for reasons other than failure to renew a license
21 or failure to maintain continuing education standards;

22 (c) Has engaged in any act that is inconsistent
23 with the standards of nursing practice as defined by
24 regulations promulgated pursuant to this chapter;

25 (d) Has practiced fraud or deceit in procuring or

1 attempting to procure a license to practice nursing;

2 (e) Has practiced nursing in another jurisdiction
3 or within the Federated States of Micronesia without a valid
4 current nursing license;

5 (f) Has violated, attempted to violate, directly
6 or indirectly, or assisted in the violation of any provision
7 of this chapter or the regulations promulgated pursuant to
8 this chapter;

9 (g) Is addicted to or dependent on alcohol or
10 other habit-forming drugs or is a habitual user of
11 narcotics, barbiturates, amphetamines, hallucinogens, or
12 other drugs having similar effects;

13 (h) Has a physical or mental disability that
14 renders the licensee unable to perform nursing services or
15 duties with reasonable skill or safety to the patient;

16 (i) Has engaged in any act in the course of
17 routine practice which exceeds the nurse's education and
18 training; or

19 (j) Has engaged in any act in the course of
20 routine practice that the Board may find constitutes
21 unprofessional conduct as defined in the regulations
22 promulgated pursuant to this chapter.

23 (2) When the Board finds a person unqualified based on
24 any of the grounds set forth in subsection (1) above, it may
25 impose one or more of the following sanctions:

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- 1 (a) Deny his or her application for a license;
- 2 (b) Administer a public or private reprimand;
- 3 (c) Suspend, limit, or restrict his or her
- 4 license;
- 5 (d) Revoke his or her license;
- 6 (e) Require him or her to submit to care,
- 7 counseling or treatment by persons approved or designated by
- 8 the Board, as a condition for initial, continued, or renewed
- 9 licensure;
- 10 (f) Require him or her to practice under the
- 11 supervision of a registered nurse designated by the Board
- 12 for a specified period of time;
- 13 (g) Impose a fine of up to \$1,000 per violation;
- 14 or
- 15 (h) Take such other action in relation to
- 16 discipline as the Board in its discretion may deem proper.
- 17 (3) The Board may take action against an institution
- 18 employing nurses, institutions certified to provide
- 19 education and training for nurses and institutions applying
- 20 or which should apply for certification upon reasonable
- 21 proof that such an institution:
- 22 (a) Employs or has employed a person as a nurse
- 23 and knows or should have known that the individual is not or
- 24 was not in compliance with this chapter or the rules and
- 25 regulations promulgated under this chapter;

1 (b) Failed to report to the Board any violation
2 of this chapter or of regulations promulgated pursuant to
3 this chapter;

4 (c) Has compelled a nurse to practice beyond the
5 nurse's education and training;

6 (d) Provides or has provided nursing education,
7 including clinical training, without the Board's
8 certification;

9 (e) Provides nursing education, including
10 clinical training, after receiving notice from the Board
11 regarding deficiencies in the institution's operations,
12 without correcting those deficiencies.

13 (4) When the Board finds that an institution has
14 committed any act or omission detailed in section 918(3)
15 above, it may impose one or more of the following sanctions:

16 (a) Deny the institution's application for
17 certification as a training and educational facility for
18 nurses;

19 (b) Suspend, limit or restrict the institution's
20 certification as a training and educational facility for
21 nurses;

22 (c) Revoke the institution's certification
23 as a training and educational facility for nurses;

24 (d) Place the institution, insofar as it operates
25 as a training and educational facility for nurses, on

1 probation;

2 (e) Impose a fine of up to \$1,000 per violation;

3 or

4 (f) Take such other action as the Board in its
5 discretion may deem proper.

6 (5) All money collected by the Board as the result of
7 fines imposed by the Board shall be deposited in the General
8 Fund of the Federated States of Micronesia."

9 Section 19. Title 41 of the Code of the Federated States of
10 Micronesia is hereby further amended by adding a new section 919 of
11 chapter 9 to read as follows:

12 "Section 919. Criminal prosecution. Nothing in this
13 chapter shall be construed as a bar to criminal prosecution
14 for seeking injunctive relief for violating any provision of
15 this chapter."

16 Section 20. Title 41 of the Code of the Federated States of
17 Micronesia is hereby further amended by adding a new section 920 of
18 chapter 9 to read as follows:

19 "Section 920. Grounds for reporting to the Board.
20 Institutions shall report in writing to the Board under the
21 following circumstances:

22 (1) Hospitals and other employers of nurses shall
23 report in writing when a nurse has been terminated
24 voluntarily or involuntarily for any reason that would
25 constitute a violation of this chapter or regulations

1 promulgated pursuant to this chapter. The employer shall
2 provide to the Board the name of the nurse and the reasons
3 for termination of employment;

4 (2) Nursing associations shall report in writing when,
5 after investigation and using written, objective criteria,
6 the association determines that a nurse is a threat to the
7 public's health, safety and welfare. The association shall
8 provide to the Board the name of the nurse and the reasons
9 for its determination;

10 (3) Insurance companies shall report in writing when
11 they are involved in any malpractice settlement, verdict or
12 court award based on a claim of negligence or willful
13 misconduct on the part of a nurse. The insurance company
14 shall provide to the Board the name of the nurse and a
15 description of the legal action; and

16 (4) Other circumstances that may be reasonably
17 required under regulations."

18 Section 21. Title 41 of the Code of the Federated States of
19 Micronesia is hereby further amended by adding a new section 921
20 of chapter 9 to read as follows:

21 "Section 921. Confidentiality. The information provided to
22 the Board pursuant to section 920 of this chapter shall be
23 provided in a confidential manner and maintained, to the
24 extent practicable, by the Board in a confidential manner."

25 Section 22. Title 41 of the Code of the Federated States of

1 Micronesia is hereby further amended by adding a new section 922 of
2 chapter 9 to read as follows:

3 "Section 922. Immunity of Board members and individuals
4 and institutions complying with this chapter. Any member of
5 the Board or any individual or institution reporting to the
6 Board in good faith shall be immune from any civil action
7 for damages to the extent provided by law as a result of
8 reporting or otherwise complying with this chapter. The
9 immunity provided in this section shall apply to any members
10 of a professional review committee and witnesses appearing
11 before the Board in fulfilling the requirements of this
12 chapter."

13 Section 23. Title 41 of the Code of the Federated States of
14 Micronesia is hereby further amended by adding a new section 923 of
15 chapter 9 to read as follows:

16 "Section 923. Practices affected. No provision in this
17 chapter shall be construed to prohibit:

18 (1) The practice of nursing that is an integral part
19 of a nursing education program, provided that nursing
20 students are supervised;

21 (2) The rendering of assistance by anyone in the case
22 of an emergency or disaster;

23 (3) The incidental care of the sick by members of the
24 family, friends, domestic helpers or persons primarily
25 employed as housekeepers, provided that such care does not

1 constitute the practice of nursing within the meaning of
2 this chapter;

3 (4) The practice of spiritual healing in accordance
4 with religious beliefs;

5 (5) The practice of any other occupation or profession
6 licensed under the laws of the Federated States of
7 Micronesia, provided that the practice does not constitute
8 the practice of nursing within the meaning of this chapter;

9 (6) The practice of traditional healing arts as
10 customarily employed by citizens of the Federated States of
11 Micronesia; and

12 (7) Nurses employed outside of the Federated States of
13 Micronesia who enter the Federated States of Micronesia to
14 provide temporary nursing care to a patient during transport
15 into or out of the Federated States of Micronesia."

16 Section 24. Title 41 of the Code of the Federated States of
17 Micronesia is hereby further amended by adding a new section 924 of
18 chapter 9 to read as follows:

19 "Section 924. Establishment. This chapter hereby
20 establishes a National Board of Nursing Fund ('Fund')
21 which shall be separate from the General Fund of the
22 Federated States of Micronesia ('General Fund')."

23 Section 25. Title 41 of the Code of the Federated States of
24 Micronesia is hereby further amended by adding a new section 925 of
25 chapter 9 to read as follows:

1 "Section 925. Purpose. The purpose of the Fund is to
2 provide an ongoing fund to allow the Board, in its
3 discretion, to expend funds consistent with the goals
4 of the Board and the purposes of this chapter."

5 Section 26. Title 41 of the Code of the Federated States of
6 Micronesia is hereby further amended by adding a new section 926 of
7 chapter 9 to read as follows:

8 "Section 926. Deposits. All future appropriations for the
9 Board, as well as revenues received from any source other
10 than fines imposed by the Board, shall be deposited in the
11 Fund. Any unexpended monies in this Fund shall remain in
12 the Fund and shall not lapse. Fines imposed by the Board
13 shall be deposited into the General Fund only."

14 Section 27. Title 41 of the Code of the Federated States of
15 Micronesia is hereby further amended by adding a new section 927 of
16 chapter 9 to read as follows:

17 "Section 927. Administration. The Fund shall be
18 administered by the President of the Federated States of
19 Micronesia or the President's designee, who shall establish
20 regulations and procedures necessary to implement the
21 provisions of this chapter."

22 Section 28. Title 41 of the Code of the Federated States of
23 Micronesia is hereby further amended by adding a new section 928 of
24 chapter 9 to read as follows:

25 "Section 928. Budget report. The Board shall submit to

1 the Congress and the President a written report of the
2 Board's budget and expenditure of funds. The Board shall
3 submit the report no later than October 1 of each year
4 or whenever Congress or the President requests it."

5 Section 29. Title 41 of the Code of the Federated States of
6 Micronesia is hereby further amended by adding a new section 929 of
7 chapter 9 to read as follows:

8 "Section 929. Persons licensed under previous law. Any
9 person holding a valid nursing license issued from the
10 Government of the Federated States of Micronesia that is
11 valid on the effective date of this chapter shall be deemed
12 licensed under the provisions of this chapter and shall be
13 subject to the conditions and standards prescribed by the
14 regulations promulgated pursuant to this chapter."

15 Section 30. Title 41 of the Code of the Federated States of
16 Micronesia is hereby further amended by adding a new section 930 of
17 chapter 9 to read as follows:

18 "Section 930. Persons seeking renewal or reinstatement of
19 nursing license. Persons seeking a renewal or reinstatement
20 of a nursing license at the effective time of this chapter
21 shall follow the procedures established by the Board of
22 Nursing through regulations promulgated pursuant to this
23 chapter. Any Board member seeking renewal or reinstatement
24 of his or her license may not be part of any Board
25 discussions pertaining to the application, or vote on

1 the renewal or reinstatement."

2 Section 31. Title 41 of the Code of the Federated States of
3 Micronesia is hereby further amended by adding a new section 931 of
4 chapter 9 to read as follows:

5 "Section 931. Severability. The provisions of this chapter
6 are severable. If any provision of this chapter is declared
7 unconstitutional, illegal or invalid, the remaining portions
8 of the chapter shall be unaffected and remain in full force
9 and effect."

10 Section 32. Section 202 of title 41 of the Code of the Federated
11 States of Micronesia, as amended by Public Law No. 5-21, is hereby
12 further amended to read as follows:

13 "Section 202. Definitions. As used herein unless otherwise
14 indicated by the context:

15 (1) 'Board' means the Secretary of Health Services.

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

20 (3) 'President' means the President of the Federated
21 States of Micronesia."

22 Section 33. Section 204 of title 41 of the Code of the Federated
23 States of Micronesia, as amended by Public Law No. 5-21, is hereby
24 further amended to read as follows:

25 "Section 204. Regulations; Fees.

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

5 (2) Any regulations under this subchapter shall
6 include a definition of the term 'practice of medical health
7 care' which shall include activities as a doctor,
8 optometrist, dentist or pharmacist. Such definition shall:

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

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

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

18 (3) The Board may by regulation require that a fee be
19 paid by applicants for licenses or renewals of licenses.

20 The fees may be different for different types of licenses.

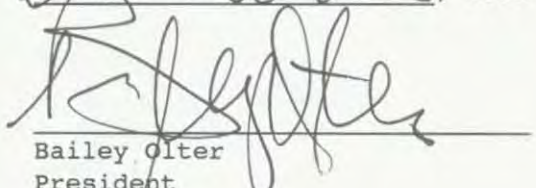
21 In no event shall any fee be greater than \$400."

22 Section 34. The sum of \$28,200, or so much thereof as may be
23 necessary, is hereby appropriated from the General Fund of the
24 Federated States of Micronesia for the fiscal year ending September
25 30, 1994, for the purpose of funding the initial capitalization

1 of the National Board of Nursing Fund.

2 Section 35. All funds appropriated by this act shall be
 3 allotted, managed, administered, and accounted for in accordance with
 4 applicable law, including, but not limited to, the Financial
 5 Management Act of 1979. The allottee shall be the President of the
 6 Federated States of Micronesia, or the President's designee. The
 7 allottee shall be responsible for ensuring that these funds, or so much
 8 thereof as may be necessary, are used solely for the purpose specified
 9 in this act, and that no obligations are incurred in excess of the sum
 10 appropriated. The authority of the allottee to obligate funds
 11 appropriated by this act shall not lapse.

12 Section 36. This act shall become law upon approval by the
 13 President of the Federated States of Micronesia or upon its becoming
 14 law without such approval.

15
 16 December 22, 1993
 17 
 18 _____
 19 Bailey Olter
 20 President
 21 Federated States of Micronesia

