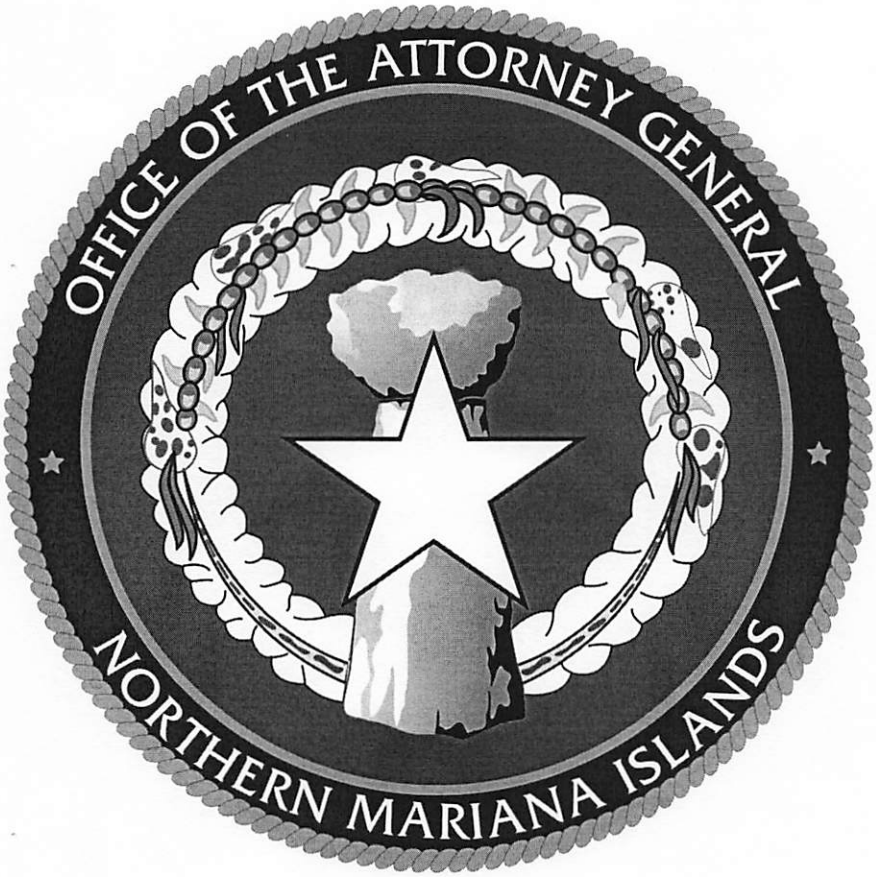
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS



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COMMONWEALTH REGISTER

VOLUME 46
NUMBER 03
MARCH 15, 2024

COMMONWEALTH REGISTER

VOLUME 46
NUMBER 03
March 15, 2024

ADOPTED

PROPOSED

ORDERS

Commonwealth of the Northern Mariana Islands
HEALTH CARE PROFESSIONS LICENSING BOARI
P.O. Box 502078, Bldg., 11925 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

PUBLIC NOTICE AND CERTIFICATION OF ADOPTION OF THE AMENDMENT TO THE HEALTH CARE PROFESSIONS LICENSING BOARD FOR PART 1605(g) – FEES, INITIALLY

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED AMENDMENTS TO REGULATIONS

VOLUME 45, NUMBER 12, PP 050701 – 0500707 OF DECEMBER 28, 2023

ACTION TO ADOPT PROPOSED REGULATIONS: The Health Care Professions Licensing Board, 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 Health Care Professions Licensing Board announced that it intended to adopt them as permanent, and now does so.

PRIOR PUBLICATION: The prior publication was as stated above. The Health Care Professions Licensing Board adopted the attached regulations as final as of the date of signing below.

MODIFICATIONS FROM PRIOR PUBLISHED PROPOSED REGULATIONS, IF ANY: NONE.

AUTHORITY: The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to 4 CMC §2206(b), as amended.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105(b), these adopted amendments to the Regulations for part 1605(g) – Fees, Initially 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 publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC § 9104(a)(2), the agency received no comments on the proposed amendments to the regulations for Part 1605(g) – Fees, Initially. Upon this adoption of the amendments, the agency, if requested to do so by an interested person within 30 days of publication, will issue a concise statement of the principal reasons for accepting or rejecting any comments.

ATTORNEY GENERAL APPROVAL: The adopted regulations for Part 1605(g) – Fees, Initially were approved for promulgation by the CNMI Attorney General in the above cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153 (e) (to review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct copy and that this declaration was executed on the 22nd day of February, 2024, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

Esther S. Fleming
Executive Director

02/22/24
Date

Filed and recorded by:

Esther San Nicolas
Commonwealth Register

3.14.24
Date

§ 185-10-1605 Fees, Initially

The fees shall be in effect initially as follows: The following fees must be paid for the following services.

(a)		Initial Application Fees	$100.00
(b)		Initial License Fees: Physicians, Dentists, Pharmacists, Optometrists, Psychologists	$200.00
(c)		License Fees: all other Health Care Professionals	$100.00
(d)		Temporary License	$200.00
(e)		Renewal License for Physicians, Dentists, Pharmacists, Optometrists, Psychologists	$200.00
(f)		Renewal License: all other Health Care Professionals	$100.00
(g)		Delinquent ~~(each month)~~ (double the license fee for renewal)	~~$25.00~~ $100.00-All other health care professions -$200.00-Physicians, Dentists, Pharmacists, Optometrists, Psychologists -$300.00-Clinical Labs & Pharmacies
(h)		Replacement/Duplication of License	$75.00
(i)		Replacement/Duplication of wallet-size card	$25.00
(j)		Application for Permit to Operate Clinical Laboratory	$200.00
(k)		Permit to Operate Clinical laboratory	$300.00
(l)		Application for Permit to Operate Pharmacy	$200.00
(m)		Permit to Operate Pharmacy	$300.00
(n)		Renewal Permit for Clinical Laboratory or Pharmacy	$300.00
(o)		Fees for documents shall be as follows:	
	(1)	Photocopies	Less than 10 copies – no charge; 11 or more copies - $0.50 per page
	(2)	Electronic files on CD	$10.00 for each CD
	(3)	Electronic files on DVD	$20.00 for each DVD
	(4)	Copies of meeting minutes on cassette tape	$15.00 per tape
	(5)	If complying with a request for information takes longer than one hour	Labor shall be charged at the rate of $20.00 per hour
(p)		Annual reports of the Board	Ten dollars/hard copy
(q)		Such other charges and fees may be charged as shall be required for special licensee-related services, as may be performed in-house or through a contract.	
(r)		Other fees and charges to be published by the Board:	
	(1)	In forma pauperis waiver	
	(2)	Verification of license fee	$25.00
	(3)	Certified copies	
	(4)	Research of licensure status	
	(5)	Hearing transcripts	
	(6)	Preparation of record on appeal	

Commonwealth Healthcare Corporation
Commonwealth of the Northern Mariana Islands
1178 Hinemlu' St. Garapan, Saipan, MP 96950

PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF NEW FEES FOR VARIOUS SERVICES OF THE COMMONWEALTH HEALTHCARE CORPORATION

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED RULES AND REGULATIONS
Volume 45, Number 10, pp. 050547-050556, of October 28, 2023

NEW TO THE CHCC CHARGEMASTER

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, COMMONWEALTH HEALTHCARE CORPORATION ("CHCC"), 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 CHCC 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 as published.

PRIOR PUBLICATION: The prior publication was as stated above.

MODIFICATIONS FROM PROPOSED REGULATIONS: Adoption as New Fees to the Chargemaster for Various Services.

AUTHORITY: The Corporation is empowered by the Legislature to adopt these rules and regulations pursuant to 3 CMC Section 2826(c).

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 Corporation has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the Corporation, 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.

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (670) 236-8201/2 FAX: (670) 233-8756

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)

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 15th of February, 2024 at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

ESTHER L. MUNA
Chief Executive Officer, CHCC

JUAN N. BABAUTA
Chairman, CHCC Board of Trustees

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 16th day of February, 2024.

for EDWARD MANIBUSAN
Attorney General

Filed and
Recorded by:

ESTHER M. SAN NICOLAS
Commonwealth Registrar

03.14.2024
Date

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (670) 236-8201/2 FAX: (670) 233-8756

Fee Edits - as of 09/2023

REV CODE	CHARGECODE	CPT	MOD	Description	COVID Related ?	Reason for change	Previous Price	New Price
310	315000180967	81220		CFTR GENE ANALYSIS COMMON VARIANTS	N	NEW	N/A	$1,669.80
960	965002583253	47760		ANAST XTRHEPATC BILIARY DUCTS & GI TRACT	N	NEW	N/A	$6,762.66
360	365000289423	67840		EXC LESION EYELID W/O CLSR/W/SIMPLE DIR CLOSURE	N	NEW	N/A	$ 1,745.28
960	965002583254	67840		EXC LESION EYELID W/O CLSR/W/SIMPLE DIR CLOSURE	N	NEW	N/A	$ 500.52
360	365000289424	35184		RPR CONGENITAL AV FISTULA EXTREMITIES	N	NEW	N/A	$ 2,763.57
370	365000289425	00350		ANESTHESIA MAJOR VESSELS NECK NOS	N	NEW	N/A	$ 423.60
771	775000480587	0134A		IMM ADMN SARSCOV2 BIVALENT 50 MCG/0.5 ML BST	N	NEW	N/A	$ 85.17
370	365000289426	00880		ANESTHESIA MAJOR LOWER ABDOMINAL VESSELS NOS	N	NEW	N/A	$ 635.40
960	365000289427	37660		LIGATION OF COMMON ILIAC VEIN,	N	NEW	N/A	$ 3,937.71
771	775000480588	0111A		IMM ADMN SARSCOV2 25 MCG/0.25 ML 1ST DOSE	N	NEW	N/A	$ 85.17
300	315000180968	86258		GLIADIN ANTIBODY EACH IMMUNOGLOBULIN CLASS	N	NEW	N/A	$ 36.15
300	315000180969	81270		AK2 GENE ANALYSIS P.VAL617PHE VARIANT	N	NEW	N/A	$ 274.98
300	315000180970	83521		IMMUNOGLOBULIN LIGHT CHAINS FREE EACH	N	NEW	N/A	$ 51.81
771	775000480587	0144A		ADM SRSCV2 BVL 25MCG/.25ML A	N	NEW	N/A	$ 85.17
771	775000480589	0154A		ADM SARSCV2 BVL 10MCG/.2ML A	N	NEW	N/A	$ 85.17
960	365000289428	49422		REMOVAL TUNNELED INTRAPERITONEAL CATHETER	N	NEW	N/A	$ 656.10
969	965002583255	64831		SUTURE DIGITAL NERVE HAND/FOOT 1 NERVE	N	NEW	N/A	$ 2,208.63
300	315000180973	87637		IADNA SARSCOV2 & INF A&B & RSV MULT AMP PROBE TQ	N	NEW	N/A	$ 427.89
960	965002583256	19083		BX BREAST W/DEVICE 1ST LESION ULTRASOUND GUID	N	NEW	N/A	$ 466.05
960	965002583257	62273		INJECTION EPIDURAL BLOOD/CLOT PATCH	N	NEW	N/A	$ 346.05
960	965002583258	37607		LIG/BANDING ANGIOACCESS ARTERIOVENOUS FISTULA	N	NEW	N/A	$ 1,114.02
960	965002583259	21931		EXCISION TUMOR SOFT TIS BACK/FLANK SUBQ 3 CM/>	N	NEW	N/A	$ 1,457.97
960	965002583260	19081		BX BREAST W/DEVICE 1ST LESION STEREOTACTIC GUID	N	NEW	N/A	$ 495.48

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
CANNABIS COMMISSION

BLDG., #1341, Asencion Ct., Capitol Hill,
P.O. BOX 500135 Saipan, MP 96950
Phone: (670) 488-0420
Website: www.cnmicc.com

PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS FOR THE CNMI CANNABIS COMMISSION

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED AMENDMENTS TO REGULATIONS
Volume 45 Number 12, pp 050683 - 050700 of December 28, 2023

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands Cannabis Commission ("The Commission") HEREBY ADOPTS AS PERMANENT amendments to 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 Commission announced that it intended to adopt them as permanent, and now does so.

I also certify by signature below that, as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above. The Commission adopted the regulations as final on February 23, 2024.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: NONE.

AUTHORITY: The Commission is required by the Legislature to adopt rules and regulations regarding those matters over which the CNMICC has jurisdiction, *see* Public Laws 20-66 and 21-05.

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 (no written comments submitted). Attached hereto are the Commission responses to all public comments received. (none) 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.

ATTORNEY GENERAL APPROVAL for non-modified regulations or regulations with NON-material modification: 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 27th day of February, 2024, at Saipan, Commonwealth of the Northern Mariana Islands.

Submitted by: _____ 2/27/2024
JUAN T. IGUEL — Date
Acting Chairman of the Commission

Received by: for _____ 2/28/2024
OSCAR M. BABAUTA — Date
Special Assistant for Administration

Filed and Recorded by: _____ 03.14.2024
ESTHER R.M. SAN NICOLAS — Date
Commonwealth Registrar

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 29 day of February, 2024.

_____
Hon. EDWARD MANIBUSAN
Attorney General

Commonwealth Ports Authority
Francisco C. Ada/Saipan International Airport
PO BOX 501055•SAIPAN•MP•96950
Phone: (670) 237-6500/01 Fax: (670) 234-5962
E-Mail Address: cpa.admin@pticom.com Website: https://cnmiports.com

PUBLIC NOTICE

Proposed Amendments to the Personnel Rules and Regulations of the Commonwealth Ports Authority

The Executive Director of the Commonwealth Ports Authority ("CPA") hereby notifies the public that the Commonwealth Ports Authority intends to promulgate amendments to its Personnel Rules and Regulations.

INTENDED ACTION TO ADOPT THESE PROPOSED AMENDMENTS TO THE PERSONNEL RULES AND REGULATIONS OF THE COMMONWEALTH PORTS AUTHORITY: Notice is hereby given pursuant to 1 CMC § 9104(a) of the Administrative Procedure Act that the Commonwealth Ports Authority intends to promulgate the following amendments to its Personnel Rules and Regulations.

TERMS, SUBSTANCE, AND DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: These proposed regulations amend CPA's Personnel Rules and Regulations by limiting the scope of random drug testing to only safety-sensitive employees, identifying safety-sensitive employees as employees that have duties that are fraught with risks of injury to others that even a momentary lapse of attention can have disastrous consequences, and identifying the positions and types of job duties that CPA considers safety-sensitive. The proposed regulations also limit the selection rate of random testing to not more than 25% for breath alcohol testing and removes the regulation that requires at least 25% of non-safety sensitive positions be tested on a yearly basis.

AUTHORITY: The substance of the following proposed amendments was approved by the CPA Board of Directors at the September 29, 2023, CPA Board of Directors Meeting. These proposed amendments are for publication in the Commonwealth Register for Notice and Comment pursuant to the Administrative Procedure Act and for approval by the Attorney General pursuant to 1 CMC § 2153(e). The Commonwealth Ports Authority has the authority to promulgate these regulations pursuant to 2 CMC § 2122.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on Proposed and Newly Adopted Regulations, 1 CMC § 9102(a)(l), and posted in convenient places in the civic center and in local governments in each senatorial district, both in English and in the principal vernacular. 1 CMC § 9104(a)(l).

TO PROVIDE COMMENTS: Persons or entities wishing to submit comments must do so in writing to Mr. Leo Tudela, Executive Director, CPA, by means of one of the following: Email, fax, mail, or hand-delivery to the CPA Administrative Office located on the Second Floor of the

Francisco C. Ada/Saipan International Airport with the subject line **"Comments on Proposed Personnel Rules and Regulations."**

Commonwealth Ports Authority
P.O. Box 501055 Saipan, MP 96950
Tel. (670) 237-6500/6501
Fax: (670) 234-5962
Email: cpa.admin@pticom.com

All written comments shall be submitted within 30 days after publication of this notice.

Submitted by: _____ 01.24.24
for LEO TUDELA
Executive Director, CPA
Date

Received by: _____ 2/20/24
OSCAR M. BABAUTA
Special Assistant for Administration
Date

Filed and Recorded by: _____ 03.14.2024
ESTHER R.M. SAN NICOLAS
Commonwealth Registrar
Date

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3) 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).

_____ 3/4/2024
EDWARD MANIBUSAN
Attorney General
Date

Commonwealth Ports Authority
Francisco C. Ada/Saipan International Airport
PO BOX 501055•SAIPAN•MP•96950
Phone: (670) 237-6500/01 Fax: (670) 234-5962
E-Mail Address: cpa.admin@pticom.com Website: https://cnmiports.com

NUTISIAN PUPBLIKU

I Manmaproponi na Amenda siha gi Areklamentu yan Regulasion Personnel gi Plåsan Commonwealth Ports Authority

I Eksakatibu Direktot gi Commonwealth Ports Authority ("i CPA") ha infotma guini i pupbliku na i Commonwealth Ports Authority ha intensiona para u pupblika i amenda siha gi iyon-ñiha Areklamentu yan Regulasion Personnel.

I AKSION NI MA'INTENSIONA PARA U ADÅPTA ESTI I MANMAPROPONI NA AMENDA SIHA GI AREKLAMENTU YAN REGULASION PERSONNEL I COMMONWEALTH PORTS AUTHORITY: I nutisia guini mannå'i sigun para 1 CMC § 9104(a) gi Åkton "Administrative Procedure" na i Commonwealth Ports Authority ha intensiona para u cho'gui i tinattiyi na amenda siha gi iyon-ñiha Areklamentu yan Regulasion Personnel.

I TEMA, SUSTÅNSIA, YAN I DISKRIPSION I SUHETU NI MASUMÅRIA YAN ASUNTU NI TINEKKA: Esti i manmaproponi na regulasion siha inamenda i Areklamentu yan Regulasion Personnel ni minididiyi i scope nu random drug testing para safety-sensitive na impli'åo siha, inaidedentifika safety-sensitive na impli'åo komu i impli'åo manggai piniligru i ubligasión-ñiha ni siña ha na'chetnudan ottru siha na kuntodu un mumentu ti ma'atendi i chechu'-ñiha siña guaha distrosu na sinusedi, yan inaidedentifika i pusisión siha yan klåsin ubligasión chechu' siha na i CPA makunsidera safety-sensitive. I maproponi na regulasión siha marestrikta lokkui' i sileksión rate nu random testing para ti menus ki 25% para breath alcohol testing yan manasuha i regulasión na dimånda antu'åsi 25% nu non-safety sensitive pusisión para u ma-test gi kada såkkan.

ÅTURIDAT: I substance nu i tinattitiyi na manmaproponi na amenda siha ginen maninaprueba ni i Kuetpun Direktot CPA siha gi Septembri 29, 2023, gi Huntan Kuetpun Direktot. Esti i manmaproponi na amenda siha para pupblikasión gi halum Rehistran Commonwealth para nutisia yan Upiñon sigun gi Åkton Administrative Procedure yan para u inaprueba ni Abugådu Hiniråt sigun para 1 CMC § 2153(e). I Commonwealth Ports Authority gai aturidåt para u cho'gui esti siha na regulasion sigun gi 2 CMC § 2122.

DIREKSION PARA U MAPO'LU YAN PUPBLIKASION: Esti i Manmaproponi na Regulasion siha debi na u mapupblika gi halum Rehistran Commonwealth gi halum seksiona ni Manmaproponi yan i Mannuebu na Manma'adåpta na Regulasion siha, 1 CMC § 9102(a)(1), ya u mapega hålum gi kumbinienti na lugåt gi halum civic center yan gi halum ufisinan gubietnamentu gi kada distritun senadot, parehu Inglis yan i prinsipåt na lingguåhin natibu. 1 CMC § 9104(a)(l).

PARA U MAPRIBENIYI UPIÑON SIHA: I petsona siha pat atyu i malagu manna'halum upiñon siha debi di u macho'gui gi tinigi' para guatu as Siñot Leo Tudela, Eksakatibun Direktot, CPA, gi unu na tinattiyi na manera: Email, fax, mail o sino intrega hålum gi Ufisinan Atministradot

i CPA ni gaigi gi Sigundu na Bibienda gi plåsan Francisco C. Ada/Saipan International yan i suhetu na råya **"I Upiñon siha gi Manmaproponi na Areklamentu yan Regulasion Personnel."**

Commonwealth Ports Authority
P.O. Box 501055 Saipan, MP 96950
Tel. (670) 237-6500/6501
Fax: (670) 234-5962
Email: cpa.admin@pticom.com

Todu i tinigi' na upiñon siha debi na u fanhålum gi halum trenta (30) dihas dispues di pupblikasion nu esti na nutisia.

Nina'hålum as: _____ 1/24/24
LEO B. TUDELA — Fetcha
Eksakatibun Direktot, CPA

Rinisibi as: _____ 2/20/24
OSCAR M. BABAUTA — Fetcha
Ispisiåt na Ayudånti para i Atministrasion

Pine'lu yan Ninota as: _____ 03.14.2024
ESTHER R.M. SAN NICOLAS — Fetcha
Rehistran Commonwealth

Sigun i 1 CMC § 2153(e) yan i 1 CMC § 9104(a)(3) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma´aprueba kumu fotma yan sufisienti ligåt ginin i Abugådu Heneråt CNMI yan debi na u mapupblika, 1 CMC § 2153(f).

_____ 3/4/2024
EDWARD MANIBUSAN — Fetcha
Abugådu Hiniråt

ARONGORONGOL TOULAP

Ppwommwol Liiwel ngáli Alléghúl me Mwóghutughutúl Personnel me Commonwealth Ports Authority

Executive Director-il Commonwealth Ports Authority ("CPA") e arongaar toulap bwe Commonwealth Ports Authority re mángemángil ebwe aronga liiwel ngáli Alléghúl me Mwóghutughutúl Personnel.

MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI PPWOMWOL LIIWEL NGÁLI ALLÉGHUL ME MWÓGHUTUGHUTÚL ME COMMONWEALTH PORTS AUTHORITY: Arongorong yeel nge sángi 1 CMC § 9104(a) reel Administrative Procedure Act bwe Commonwealth Ports Authority re mángemángil rebwe arongawow liiwel ikka e amwirimwiritiw ngáli Alléghúl me Mwóghutughutúl Personnel.

KKAPASAL, AWEEWEEL, ME FFATAAL REEL KKAPASAL ME AUTOL: Ppwommwol liiwel kkaal e liiweli Alleghúl me Mwóghutughutúl Personnel sángi igha re ayoora mwotal reel mille "scope of random drug testing" ngáliir schóól angaang ikka re lo bwe "safety-sensitive", ebwe itittiw schóól angaang ikka re lo bwe "safety-sensitive" bwe ikkaal schóól angaang iye eyoor aar lemelem iye eyoor areere ngare "risk" anngawa n gáre ametághiir akkááschay ngáre rese áfálli ghatchúw emmwel ebwe yoor nngaw mwirilóól, me ebwe ghikkil tappal angaang me lemelem iye CPA re weri bwe me rághiiy bwe "safety-sensitive". Ppwommwol mwóghutughut kkaal e ayoora "limit" reel áffilil mille "random testing" nge essóbw aluuló 25% ngáli "breath alcohol testing" me siiweli mwóghutughut bwe re tipáli ebwe arap ngáli 25% reel milikka "non-safety positions" rebwe bwughi "test" ebwe lo bwe ghal fáál eew ghal ráágh.

BWÁNGIL: Autol ppwommwol liiwel ikka e amwirimwiritiw aa átirow sángi CPA Board-il Directors wóól Maan 29, 2023, CPA Board-il Directors igha re yéélágh. Ppwommwol liiwel nge ngáli arongorong me llól Commonwealth Register ngáli Arongorong me Kkapas sángi Administrative Procedure Act me ngáli átirow sángi Soulemelemil Allégh Lapalap sángi 1 CMC § 2153(e). Eyoor bwángil Commonwealth Ports Authority reel rebwe aronga mwóghutughut kkaal sángi 2 CMC § 2122.

AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Ebwe akkatééwow Ppwommwol Mwóghutughut kkaal me llól Commonwealth Register llól tálil Ppwommwol me Ffél Mwóghutughut ikka ra adóptááli, 1 CMC § 9102(a)(1), me ebwe appaschetá llól civic center me bwal llól bwulasiyol gobetnameento llól senatorial district, fengál reel English me Mwáliyaasch. 1 CMC § 9104(a)(1).

REEL ISIISILONGOL KKAPAS: Aramas ngáre schóó kka re tipáli rebwe isiisilong ischil kkapas rebwe isii ngáli Mr. Leo Tudela, Executive Director, CPA, ebwe yááyá eew meleyil ikka e amwirimwiritiw: Email, fax, kkatta ngáre bwughiló CPA Administrative Office iye e lo Second Floor me Francisco C. Ada/Saipan International Airport fengál wóól "subject line" bwe **"Comments on Proposed Personnel Rules and Regulations."**

Commonwealth Ports Authority
P.O. Box 501055 Saipan, MP 96950
Tel. (670) 237-6500/6501
Fax: (670) 234-5962
Email: cpa.admin@pticom.com

Alongal ischil kkapas ebwe toolong llól eliigh (30) ráál mwiril aal akkatééwow arongorong yeel.

Isáliyalong: _____ 1/24/24
for LEO B. TUDELA — Ráál
Executive Director, CPA

Bwughiyal: _____ 2/20/24
OSCAR M. BABAUTA — Ráál
Special Assistant ngáli Administration

Ammwelil: _____ 03.14.2024
ESTHER R.M. SAN NICOLAS — Ráál
Commonwealth Registrar

Sángi 1 CMC § 2153(e) me 1 CMC § 9104(a)(3) ra takkal amwuri fischiiy me átirowa ppwommwol mwóghutughut ikka e appasch bwe aa ffil reel ffééról me legal sufficiency sángi Soulemelemil Allégh Lapalapal CNMI me ebwe akkatééwow. 1 CMC § 2153(f).

_____ 3/4/2024
EDWARD MANIBUSAN — Ráál
Soulemelemil Allégh Lapalap

§ 40-40-505 Overview

(a) Employees have the responsibility for managing their individual behavior, and, if an impairment issue exists, the employee must successfully resolve that issue. Being fit for work addresses two matters — an employee's condition and his/her conduct.

(1) Condition. When an employee's condition (physical illness, emotional distress, and chemical dependency) interferes with safe and productive work, the employee needs to take measures necessary to correct the condition. The Commonwealth Ports Authority recognizes the valuable resource we have in our employees, and is committed to helping them maintain their health and well-being. Therefore, the Commonwealth Ports Authority strongly encourages employees to take advantage of the many opportunities of assistance through the employee assistance program to help them make the Commonwealth Ports Authority a positive, healthy, and mutually beneficial employment opportunity (see NMIAC § 40-40-570).

(2) Conduct. The second aspect of being fit for work involves conduct. Employees are accountable for unsafe and unproductive work, and the consequences of their work. Irresponsible behavior that is unproductive and unsafe will not be tolerated, and an employee engaging in misconduct may be disciplined, including termination from employment (see NMIAC § 40-40-520).

(b) The Commonwealth Ports Authority recognizes the need for safety, efficiency, and productivity in employment. Therefore, it is the official policy of the Commonwealth Ports Authority that the use, distribution, sale, possession, manufacture, or transfer of illegal drugs and unauthorized substances in any detectable amount, or being under the influence of alcohol in any form, on Commonwealth Ports Authority property or while on duty by employees, independent contractors or their employees is strictly prohibited and will be cause for termination of employment (see NMIAC § 40-40-520).

(c) Commonwealth Ports Authority employees who violate the prohibitions of this policy will be subject to disciplinary action, including termination of employment (see NMIAC § 40-40-520). An employee's refusal to submit to testing requirements will be treated as a violation of the prohibitions of this policy and will be subject to disciplinary action, including termination of employment (see NMIAC §§ 40-40-510(q) & 520(a))-.

(d) Independent contractors and their employees who violate the prohibitions of this policy may be subject to contract cancellation (see NMIAC § 40-40-515).

(e) All employees shall be subject to drug/alcohol testing, to include the following categories: pre-employment, reasonable suspicion, post-accident/incident, ~~random,~~ return to duty, and follow-up (see NMIAC §§ 40-40-545 & 550). Only safety-sensitive employees are subject to random testing.

(f) Employee education and supervisory training are essential parts of this policy and program. All existing and new employees will receive information on the impact of drug and alcohol use in the workplace, and will receive information on resources for help and assistance. No supervisor may make a reasonable suspicion or post-accident/incident decision unless he/she has completed supervisory training relating to this policy (see NMIAC § 40-40-535).

(g) Drug/alcohol testing will be conducted with accuracy and reliability, while maintaining privacy and dignity in specimen collection, testing, and notification processes. Employees found with breath alcohol at a detectable level of 0.02 BAC or greater, or a confirmed positive drug urine test, without adequate medical explanation, will be regarded to have violated the provisions of this policy.

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 40 Com. Reg. 40924 (Sept. 28, 2018); Amdts Proposed 39 Com. Reg. 40425 (Dec. 28, 2017); Adopted 24 Com. Reg. 19402 (July 29, 2002); Proposed 24 Com. Reg. 18913 (Jan. 29, 2002).

Commission Comment: [Historical comments removed.]

§ 40-40-510 Definitions

For purposes of this Part, the following definitions shall apply:

(a) "Accident" means an occurrence that results in:
(1) The death of a human being;
(2) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident;
(3) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle;
(4) Damage to property of Commonwealth Ports Authority or other personal property resulting from an accident during working hours or while using Commonwealth Ports Authority equipment; or
(5) Injury to a person on the job requiring outside medical attention, and/or physical damage or economic loss greater than $1,000.
(6) Any such occurrence must be reported to the Commonwealth Ports Authority under applicable regulations.

(b) "Alcohol concentration" means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. When the indicated alcohol concentration on an initial alcohol test is different from an indicated alcohol concentration on a confirmatory test, the employee shall be considered to have the lower indicated concentration.

(c) "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.

(d) "Alcohol use" means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

(e) "Canceled test" ~~(drug)~~ means a test that has been declared invalid. It is neither a positive nor a negative test. This term includes a specimen which is rejected for testing by a laboratory. Further testing is required in cases of pre-employment or return to duty testing.

(f) "Conducting Commonwealth Ports Authority business" means being in a situation where decisions are made that commit CPA to some action, or being in a position where actions could injure or adversely affect other individuals or the Commonwealth Ports Authority as a corporate entity.

(g) "Confirmatory test" ~~(alcohol)~~ means, in regard to alcohol, a second test following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.

(h) "Confirmatory test" ~~(controlled substances)~~ means, in regard to controlled substances, a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screen test and that uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

(i) "Consulting physician" means a licensed physician retained by the Commonwealth Ports Authority to advise on drug testing and other industrial medicine issues.

(j) "Contractor" means a person or organization that provides service to or works for the Commonwealth Ports Authority.

(k) "Covered substances" means:
(1) Legally obtained drugs (prescription and non-prescription remedies) when used according to directions to alleviate a specific condition;
(2) Illegal drugs, including:
(i) Drugs which are not legally obtainable including, but not limited to, marijuana, cocaine, amphetamines, opiates, phencyclidine, and other drugs prohibited by law;
(ii) Drugs which are legally obtainable, but have not been obtained legally, such as prescription remedies prescribed by a licensed medical professional;
(iii) Drugs which are legally obtained, but are knowingly used for other than the prescribed purpose or in other than the prescribed manner; and
(iv) So-called designer drugs or drug substances not approved for medical or other use by the Commonwealth of the Northern Mariana Islands, the U.S. Drug Enforcement Administration, or the U.S. Food and Drug Administration.
(3) Unauthorized substances including any substance that is intentionally used to cause impairment of physical and/or mental functioning;
(4) Commonwealth Ports Authority-covered substances are those substances that will be tested when called for by the Commonwealth Ports Authority, specifically:
(i) Marijuana (cannabinoids) and metabolites;
(ii) Cocaine and metabolites;
(iii) Amphetamines and metabolites;
(iv) Opiates (narcotics);
(v) PCP (Phencyclidine); and
(vi) Alcohol (ethyl alcohol).

(l) "Drug/Alcohol Coordinator" means the Executive Director's representative who is in charge of the Commonwealth Ports Authority drug and alcohol program (i.e., testing, training, and documentation).

(m) "Drug use" means the consumption of any substance (legal or illicit) that may cause interference with an employee's capacity to perform safe and/or productive work.

(n) "Executive Director" means the Executive Director of the Commonwealth Ports Authority.

(o) "Medical review officer" ("MRO") means a licensed physician who is responsible for receiving laboratory results generated by the Commonwealth Ports Authority's drug testing program, has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

(p) "Proof of wellness" means a notice from the treatment specialist or substance abuse professional indicating the applicant/employee is no longer dependent on some drug/alcohol substance to the extent it can affect safe and productive work.

(q) "Refusal to submit" means that:
(1) An employee gives a verbal declination after receiving clear and specific order to submit to urine and/or breath-testing.
(2) An employee fails to provide adequate breath for testing or an insufficient urine specimen without a valid medical explanation after he/she has received notice of the requirement to be tested.
(3) An employee engages in conduct that clearly obstructs the collection process.

(r) "Safety-sensitive" is a term describing activities which directly affect the safety of one or more persons, including the operation of motor vehicles or heavy machinery or the carrying of firearms. An employee deemed to have a "safety sensitive position" discharges duties fraught with such risks of injury to others that even a momentary lapse of attention can have disastrous consequences. Each department, in conjunction with the Drug and Alcohol Coordinator, shall identify all positions to be considered safety-sensitive positions due to the amount of time the employee spends performing safety-sensitive functions. Safety-sensitive employees includes, but is not limited to, the following:~~functions performing work involving:~~
(1) Employees that direct air, ground, or sea traffic, such as vessel traffic controllers and aircraft operation area controllers, or perform other substantially similar functions wherein a single drug-related lapse could lead to catastrophic harm or the loss of lives;~~Flight service;~~
(2) Law enforcement positions ~~Ports Police~~that may be issued firearms or may participate in drug interdictions;
(3) Aircraft rescue and fire-fighting firefighters wherein a~~;~~n impairment due to drug use may lead to otherwise avoidable injury or death;
(4) Employees with dispatch duties that include responding to emergencies and calling the police;
(5) Employees that are required to hold a commercial drivers' license or that operate heavy machinery, including airline stair carts, boom trucks, and other substantially similar vehicles;
~~(4) Vessel traffic controllers;~~

~~(5) Aircraft operation area controllers;~~(6) Flight crewmember duties.
(7) Flight attendant duties.
(8) Flight instruction duties.
(9) Aircraft dispatcher duties.
(10) Aircraft maintenance and preventive maintenance duties.
(11) Ground security coordinator duties.
(12) Aviation screening duties.
(13) Air traffic control duties.
(14) Operations control specialist duties.

~~(6) Safety-sensitive positions shall include administrative assistants and officers assigned to subsections (1) through (5), and supervisory positions assigned to subsections (1) through (5).~~

(s) "SAMHSA" means the Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services.

(t) "Screening test" (alcohol) means an analytical procedure to determine whether a covered employee may have a prohibited concentration of alcohol in his/her system.

(u) "Substance Abuse Professional" ("SAP") means a licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, social worker or employee assistance professional with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders, or a counselor who is certified by the national Association of Alcoholism and Drug Abuse Counselors Certification Commission.

(v) "Under the influence" means that a covered substance is present in the body and is detected by breath alcohol testing (0.02 BAC or greater) or urine drug testing (a confirmed positive). NOTE: For the purposes of this Part, 0.02 BAC is established as the lowest conclusive detectable level in breath alcohol testing; however, noting breath odor is conclusive to remove an employee from service.

Modified, 1 CMC § 3806(a), (f), (g).

History: Amdts Adopted 40 Com. Reg. 40924 (Sept. 28, 2018); Amdts Proposed 39 Com. Reg. 40425 (Dec. 28, 2017); Adopted 24 Com. Reg. 19402 (July 29, 2002); Proposed 24 Com. Reg. 18913 (Jan. 29, 2002).

Commission Comment: [Historical comments removed.]

§ 40-40-545 Referral for Testing

(a) Pre-employment Testing.
(1) All offers of Commonwealth Ports Authority employment are contingent upon the applicant successfully passing a pre-employment drug test. No applicant will be assigned to work until they have passed a urine drug test. Drug testing will be at the applicant's own expense. If the candidate's test result is positive for the presence of a tested drug, without a legitimate explanation, the offer of employment will be withdrawn.

(2) Test Specimens. Urine – All applicants being hired will be subject to SAMHSA or a NIDA panel test for illegal and unauthorized substances.
(3) Notification of Testing Requirement. Applicants will be notified of the requirement to pass a drug test at the time of application.
(4) Canceled Test. When a pre-employment drug test is determined to be a canceled test by the laboratory technician, the applicant will be required to immediately submit another urine specimen for testing.
(5) Reapplication After a Positive Test. Applicants who test positive without adequate explanation of the results will not be considered for employment for two years for any announced position. At which time, they must present proof of wellness upon application. Applicants who were previously released from Commonwealth Ports Authority employment as a result of a positive test must complete a waiting period of not less than two years after the date of release from their last Commonwealth Ports Authority employment, complete a drug rehabilitation program, and must submit a statement of fitness for duty from the MRO or a certified physician/counselor and sign an agreement in the form of a return to duty contract as described in NMIAC § 40-40-550(d).
(6) Release of Statement of Any Drug Testing History. Applicants who were previously employed with the Commonwealth Ports Authority or with the CNMI government, and applicants who have had an offer for Commonwealth Ports Authority employment withdrawn due to a previous positive urine test result, must provide the Commonwealth Ports Authority a written release of drug testing history for the two years immediately prior to the application date. If the candidate presents a drug testing history showing a positive drug test within two years prior to the application date, the offer of employment will be withdrawn unless the candidate submits a statement of fitness for duty and agrees to execute an agreement similar to a return to duty contract as described in NMIAC § 40-40-550(d).

(b) Reasonable Suspicion Testing. An employee will be subject to drug/alcohol testing if there is reasonable suspicion to believe the employee may be under the influence of some drug or alcohol.
(1) Reasonable Suspicion Defined. Reasonable suspicion for drug/alcohol testing means specific contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. In other words, a reasonable suspicion decision consists of specific facts, circumstances, physical evidence, physical signs and symptoms, or a pattern of performance and/or behavior that would cause a trained supervisor to reasonably conclude that an employee may have engaged in on-the-job drug or alcohol use, or may be under the influence of some drug/substance, including alcohol.
(2) Examples of reasonable suspicion include, but are not limited to:
(i) Unsatisfactory work performance, including accidents and incidents, adequately documented, and where some drug or alcohol related documentation indicates a linkage to a change in an employee's prior patterns of work performance;
(ii) Physical symptoms consistent with substance abuse;
(iii) Evidence of illegal substance use, possession, sale, or delivery;
(iv) Fights (to mean physical contact) and assaults, or erratic or violent behavior.
(3) Test Specimens.
(i) Breath – Employees will be subject to the collection of a breath sample(s) to determine if current consumption of alcohol is present.

(ii) Urine – Employees will be subject to a urine drug test for covered substances.
(4) Steps in Reasonable Suspicion Testing.
(i) Supervisor's Observation. All supervisors will receive training in the physical, behavioral, and performance indicators of probable drug and alcohol use in order to make reasonable suspicion testing decisions.
(ii) Objective Inquiry. When reasonable suspicion exists, the affected employee will be questioned and observed. A decision to request a specimen will be based on eyewitness reports, facts of the event, and observed physical and behavioral characteristics of the affected employee. The employee will be interviewed in a private area.
(iii) Management Notification. Upon determination that reasonable suspicion exists, the supervisor will notify the responsible manager and obtain authorization to conduct a reasonable suspicion drug/alcohol test. Such notification may be done in person or telephonically.
(iv) Relief of Duty. The employee will be relieved of duty and placed on administrative leave with pay until the results of the drug and/or alcohol test are complete and verified.
(v) Transportation Assistance. The employee will be accompanied to the collection site by a supervisor or manager. The employee will be provided transportation home. If the employee refuses and demands to drive his/her vehicle, the supervisor shall notify the Ports Police department.
(vi) Supervisor's Report. The supervisor ordering reasonable suspicion testing shall document in writing, in detail , the facts leading to the decision. This report shall be considered confidential and will be maintained in the employee's drug and alcohol test file, which is confidential, until needed for a disciplinary action. The report will be reviewed by the Drug/Alcohol Coordinator and management.

(c) Post-accident Testing. All employees will be subject to drug/alcohol testing if an accident occurs meeting the definitions of NMIAC § 40-40-510(a).
(1) Test Specimens.
(i) Breath – Employees will be subject to the collection of a breath sample(s) to determine if current consumption of alcohol is present.
(ii) Urine – Employees will be subject to a urine drug test for covered substances.
(iii) Blood – In accidents and incidents that cause severe injuries or damages, a blood sample may be drawn for future testing if breath alcohol testing is not readily available.
(2) Steps in Post-Accident Testing.
(i) Supervisor's Observation. All supervisors will receive training in the physical, behavioral, and performance indicators of probable drug and alcohol use in order to make reasonable suspicion testing decisions.
(ii) Objective Inquiry. When an accident occurs, the affected employee will be questioned and observed. A decision to request a specimen will be based on eyewitness reports, facts of the event, and observed physical and behavioral characteristics of the involved employee. Where warranted, the supervisor shall require the driver of any government vehicle or the operator of any government equipment involved in the accident to be tested.
(iii) Management Notification. Upon determination that a test is warranted, the supervisor will notify the responsible manager and obtain authorization to conduct a post-accident drug/alcohol test. Such notification may be done in person or telephonically.
(iv) Relief of Duty. The employee will be relieved of duty and placed on administrative leave with pay until the results of the drug and/or alcohol test are complete and verified.

(v) Transportation Assistance. The employee will be accompanied to the collection site by a supervisor or manager. The employee will be provided transportation home. If the employee refuses and demands to drive his/her vehicle, the supervisor shall notify the Ports Police department.
(vi) Notify the Hospital of the Need for a Specimen. If the employee is injured and unable to consent to a urine sample, wait until the treating physician determines the employee is able to understand a request, sign the necessary forms, and provide a sample.
(vii) Duty Pending Test Results. Until the results of the drug and alcohol test are complete and verified, no employee reasonably suspected of having been under the influence of alcohol or drugs at the time of the accident shall be allowed to perform or continue to perform a safety-sensitive duty.
(viii) Cooperate with Law Enforcement. Allow local law enforcement to conduct their investigation. The police may require a breath/alcohol test or blood specimen to be drawn for a legal determination of blood alcohol.
(ix) Notification to Employee. Tell the employee that a drug and/or alcohol test is required by regulation and refusal to cooperate will result in termination of employment.
(x) Notify the MRO. Explain the circumstances of the accident. The MRO will telephonically assist in facilitating the specimen collection process.
(xi) Collection Timing. As soon as practical after an accident any employee whose action or inaction may have contributed to the accident must submit to breath and urine tests for the presence of alcohol, cocaine, marijuana, opiates, amphetamines, or phencyclidine, upon written notice from the employee's supervisor. Except as otherwise provided, the Commonwealth Ports Authority shall pay for the testing.
(xii) Collect Accident Documentation Promptly. Immediately following the accident, accident investigators, either employees or contracted individuals, should be used to accurately document critical information. Note the times and dates of both the occurrence of the accident and of the specimen collection.
(xiii) Return to Duty. An employee may be returned to duty, at the supervisor's discretion, pending results from a post-accident/incident event if there is reasonable belief the employee was not under the influence at the time of the accident. If the employee has been medically examined, post-incident, he/she must receive a return to work clearance from the Commonwealth Ports Authority's MRO/consulting physician before returning to work.
(xiv) Supervisor's Report. The supervisor ordering post-accident testing shall document in writing, in detail, the facts leading to the decision. This report shall be considered confidential and will be maintained in the employee's drug and alcohol test file, which is confidential, until needed for a disciplinary action. The report will be reviewed by the Drug/Alcohol Coordinator.

(d) Random Testing.
(1) Random Testing Defined. Random testing means that drug tests are unannounced.
(2) Selection Rate. The selection rate will be no less than 25% for urine drug testing and no more than 25% for breath alcohol testing.
(3) Selection. Using the lottery system, the Executive Director or the Drug/Alcohol Coordinator shall randomly select safety-sensitive employees for unannounced drug testing through a random lottery number table that is matched with the employee's social security number or payroll identification number. Each employee selected for testing will remain in the random testing pool to ensure equal chance of being selected for testing.

(4) Schedule of Testing.

(i) Safety-Sensitive Employees: Testing will be on a quarterly basis and shall not be less than 25% of the employees designated as safety-sensitive.

~~(ii) All other employees: Testing will be on a yearly basis and shall not be less than 25% of all non-safety-sensitive designated employees.~~

(5) Notification of Employee. Employees, when notified of a random selection, shall cease work functions and immediately proceed to the collection site.

(i) If the selected individual is off-duty, he/she will be placed on the next quarterly selection process.

(ii) If the employee is notified and does not report for testing, it is considered a refusal.

(iii) A Commonwealth Ports Authority employee shall only be tested for alcohol before, during, or just after performing his/her duty.

(6) Re-testing of a Split Specimen. If the drug test result of the primary urine specimen is verified positive, the employee performing a safety-sensitive function may request that the MRO direct the split specimen to be tested in a different DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen.

(i) Such request must be in writing to the MRO and within 72 hours of the employee having been notified of the verified positive drug test result. Re-tests will be at the employee's expense.

(ii) The employee will automatically be placed on leave without pay (LWOP) status for the duration of the re-testing procedure.

(iii) Should the second test return and be verified by an MRO as a negative, the employee will be cleared, reimbursed of testing expenses, reinstated with back pay, and returned back to regular duty.

(iv) Should the second test return and be verified by an MRO as a positive, the employee will automatically be terminated, if his/her position is a safety-sensitive function.

(v) The employee shall have the right to appeal the dismissal to the Commonwealth Ports Authority Appeal Committee, in writing, within five working days after being notified of the second test.

Modified, 1 CMC § 3806(a), (f), (g).

History: Amdts Adopted 40 Com. Reg. 40924 (Sept. 28, 2018); Amdts Proposed 39 Com. Reg. 40425 (Dec. 28, 2017); Adopted 24 Com. Reg. 19402 (July 29, 2002); Proposed 24 Com. Reg. 18913 (Jan. 29, 2002).

Commission Comment: [Historical comments removed.]

Commonwealth Healthcare Corporation
Commonwealth of the Northern Mariana Islands
1178 Hinemlu' St. Garapan, Saipan, MP 96950

PUBLIC NOTICE OF PROPOSED AMENDMENTS TO THE CHCC CHARGEMASTER FOR VARIOUS FEES

INTENDED ACTION TO ADOPT THESE PROPOSED REVISIONS TO THE RULES AND REGULATIONS: The Commonwealth Healthcare Corporation (CHCC) intends to adopt as permanent the attached additional Chargemaster pursuant to the procedures of the Administrative Procedure Act,1 CMC § 9104(a). The additional Chargemaster will become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

AUTHORITY: The Board of Trustees may prepare and adopt rules and regulations to assure delivery of quality health care and medical services and the financial viability of the Corporation that will best promote and serve its purposes. 3 CMC Section 2826(c).

THE TERMS AND SUBSTANCE: These are new fees.

THE SUBJECTS AND ISSUES INVOLVED: New fees.

DIRECTIONS FOR FILING AND PUBLICATION: This Notice of Proposed Amendments to the Chargemaster shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular (1CMC § 9104(A)(1)) codified at NMIAC Sections 140-10.8-101. Copies are available upon request from Roxanne Ada, Director of Revenue.

TO PROVIDE COMMENTS: Send or deliver your comments to Roxanne Ada, Director of Revenue, roxanne.ada@chcc.health, *Attn: Amendments to the Chargemaster for Various Fees* at the above address, fax or email address, with the subject line "Amendments to the Chargemaster for Various Fees." Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2)).

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (670) 236-8201/2 FAX: (670) 233-8756

These proposed amendments to the Chargemaster, for Various Fees were approved by the CHCC Board of Trustees and the CHCC CEO.

Submitted by: _____ 03/12/24
ESTHER L. MUNA — Date
Chief Executive Officer

_____ 03/12/2024
JUAN N. BABAUTA — Date
Board Chair

Filed and Recorded by: _____ 03.14.2024
ESTHER M. SAN NICOLAS — Date
Commonwealth Registrar

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).

Dated the 13 day of March, 2024.

_____
EDWARD E. MANIBUSAN
Attorney General

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (670) 236-8201/2 FAX: (670) 233-8756

Fee Edits - as of 10/2023							
REV CODE	CHARGECODE	CPT	MOD	Description	Reason for change	Previous Price	New Price
960	965002583261	49592	26	RPR AA HERNIA 1ST < 3 CM NCRC8/STRANGULATED	NEW	N/A	$1,418.55
960	965002583262	64615	26	CHEMODERVATE FACIAL/TRIGEM/CERV MUSC MIGRAINE	NEW	N/A	$366.96
960	965002583263	21931	26	EXCISION TUMOR SOFT TIS BACK/FLANK SUBQ 3 CM/>	NEW	N/A	$1,457.97
960	965002583264	62256	26	RMVL COMPL CSF SHUNT SYSTEM W/O RPLCMT SHUNT	NEW	N/A	$1,893.72
960	965002583265	23071	26	EXCISION TUMOR SOFT TISSUE SHOULDER SUBQ 3 CM/>	NEW	N/A	$1,314.12
960	315000180972	88341	26	IMHISTOCHEM/CYTCHM EA ADDL ANTIBODY SLIDE	NEW	N/A	$86.85
960	965002583266	62329	26	THERAPEUTIC SPINAL PNXR DRAINAGE CSF W/FLUOR/CT	NEW	N/A	$324.06
960	965002583267	49324	26	LAPS INSERTION TUNNELED INTRAPERITONEAL CATHETER	NEW	N/A	$1,173.51
636	259637585624	91322	TC	SARSCOV2 VAC 50 MCG/0.5ML IM (SPIKEVAX)	NEW	N/A	$155.40
771	775000480590	0173A	TC	ADM SARSCV2 BVL 3MCG/0.2ML 3	NEW	N/A	$85.17
771	775000480591	90480	TC	ADMN SARSCOV2 VACC 1 DOSE	NEW	N/A	$85.17
636	259637585625	91320	TC	SARSCV2 VAC 30MCG TRS-SUC IM	NEW	N/A	$138.00
636	259637585626	90651	TC	9VHPV VACCINE 2/3 DOSE IM	NEW	N/A	$344.89
636	259637585627	90677	TC	PCV20 VACCINE IM	NEW	N/A	$304.61
636	259637585628	90714	TC	TD VACC NO PRESV 7 YRS+ IM	NEW	N/A	$42.19
636	259637585629	90756	TC	CCIIV4 VACC ABX FREE IM (FLUCELVAX QUAD)	NEW	N/A	$340.78
420	740000583007	G0151	TC	HHCP-SERV OF PT,EA 15 MIN	NEW	N/A	$205.00
636	259637585630	90686	TC	IIV4 VACC NO PRSV 0.5 ML IM (AFLURIA QUAD)	NEW	N/A	$24.80
636	259637585631	90688	TC	IIV4 VACCINE SPLT 0.5 ML IM (FLUZONE)	NEW	N/A	$23.56
636	259637585632	90686	TC	IIV4 VACC NO PRSV 0.5 ML IM (FLUARIX)	NEW	N/A	$23.53
636	259637585633	90686	TC	IIV4 VACC NO PRSV 0.5 ML IM (FLULAVAL)	NEW	N/A	$23.55
636	259637585634	91306	TC	SARSCOV2 VACCINE 50 MCG/0.25 ML IM	NEW	N/A	$155.40
771	775000480592	0051A	TC	ADM SARSCV2 30MCG TRS-SUCR 1	NEW	N/A	$85.17
771	775000480593	0052A	TC	ADM SARSCV2 30MCG TRS-SUCR 2	NEW	N/A	$85.17
771	775000480594	0053A	TC	ADM SARSCV2 30MCG TRS-SUCR 3	NEW	N/A	$85.17
636	259637585635	91305	TC	SARSCOV2 VAC 30 MCG TRS-SUCR	NEW	N/A	$138.00
960	965001183841	36558	26	INSJ TUNNELED CVC W/O SUBQ PORT/PMP AGE 5 YR/>	UPDATE	330.8	$789.63
960	965002583268	35903	59	EXCISION INFECTED GRAFT EXTREMITY	NEW	N/A	$1,670.82
771	775000480595	0171A	TC	ADM SARSCV2 BVL 3MCG/0.2ML 1	NEW	N/A	$85.17
771	775000480596	0172A	TC	ADM SARSCV2 BVL 3MCG/0.2ML 2	NEW	N/A	$85.17
771	775000480597	0174A	TC	ADM SARSCV2 BVL 3MCG/0.2ML A	NEW	N/A	$85.17
960	965002583269	47785	26	ANAST ROUX-EN-Y INTRAHEPATC BILIARY DUCTS & GI	NEW	N/A	$9,671.76

Fee Edits - 11.2023							
REV CODE	CHARGE CODE	CPT	MOD	Description	Reason for change	Previous Price	New Price
512	N/A	D0120		Periodic oral evaluation - established patient	NEW	N/A	$ 88.62
512	N/A	D0140		Limited oral evaluation - problem focused	NEW	N/A	$ 107.28
512	N/A	D0145		Oral evaluation for a patient under three years of age and counseling with primary caregiver	NEW	N/A	$ 114.66
512	N/A	D0150		Comprehensive oral evaluation - new or established patient	NEW	N/A	$ 135.54
512	N/A	D0210		Intraoral - comprehensive series of radiographic images	NEW	N/A	$ 174.72
512	N/A	D0220		Intraoral - periapical first radiographic image	NEW	N/A	$ 37.44
512	N/A	D0230		Intraoral - periapical each additional radiographic image	NEW	N/A	$ 31.14
512	N/A	D0240		Intraoral - occlusal radiographic image	NEW	N/A	$ 67.38
512	N/A	D0270		Bitewing - single radiographic image	NEW	N/A	$ 34.56
512	N/A	D0272		Bitewings - two radiographic images	NEW	N/A	$ 59.91
512	N/A	D0274		Bitewings - four radiographic images	NEW	N/A	$ 99.84
512	N/A	D0310		Sialography	NEW	N/A	$ 202.80
512	N/A	D0330		Panoramic radiographic image	NEW	N/A	$ 168.48
512	N/A	D0340		2D cephalometric radiographic image - acquisition, measurement and analysis	NEW	N/A	$ 190.98
512	N/A	D0364		Cone beam CT capture and interpretation with limited field of view - less than one whole jaw	NEW	N/A	$ 418.80
512	N/A	D0365		Cone beam CT capture and interpretation with field of view of one full dental arch - mandible	NEW	N/A	$ 418.80
512	N/A	D0366		Cone beam CT capture and interpretation with field of view of one full dental arch - maxilla, with or without cranium	NEW	N/A	$ 418.80
512	N/A	D0367		Cone beam CT capture and interpretation with field of view of both jaws, with or without cranium	NEW	N/A	$ 418.80
512	N/A	D1110		Prophylaxis - adult	NEW	N/A	$ 132.30
512	N/A	D1120		Prophylaxis - child	NEW	N/A	$ 91.11
512	N/A	D1206		Topical application of fluoride varnish	NEW	N/A	$ 77.76
512	N/A	D1208		Topical application of fluoride - excluding varnish	NEW	N/A	$ 67.14
512	N/A	D1351		Sealant - per tooth	NEW	N/A	$ 89.22
512	N/A	D1354		Application of caries arresting medicament per tooth	NEW	N/A	$ 32.40
512	N/A	D1510		Space maintainer - fixed, unilateral - per quadrant	NEW	N/A	$ 479.70
512	N/A	D1516		Space maintainer - fixed - bilateral, maxillary	NEW	N/A	$ 671.58
512	N/A	D1517		Space maintainer - fixed - bilateral, mandibular	NEW	N/A	$ 671.58
512	N/A	D1551		Re-cement or re-bond bilateral space maintainer - maxillary	NEW	N/A	$ 136.02
512	N/A	D1552		Re-cement or re-bond bilateral space maintainer - mandibular	NEW	N/A	$ 136.02
512	N/A	D1553		Re-cement or re-bond unilateral space maintainer - per quadrant	NEW	N/A	$ 136.02
512	N/A	D1556		Removal of fixed unilateral space maintainer - per quadrant	NEW	N/A	$ 128.52
512	N/A	D1557		Removal of fixed bilateral space maintainer - maxillary	NEW	N/A	$ 128.52
512	N/A	D1558		Removal of fixed bilateral space maintainer - mandibular	NEW	N/A	$ 128.52
512	N/A	D1575		Distal shoe space maintainer - fixed, unilateral - per quadrant	NEW	N/A	$ 561.60
512	N/A	D2140		Amalgam - one surface, primary or permanent	NEW	N/A	$ 162.00
512	N/A	D2150		Amalgam - two surfaces, primary or permanent	NEW	N/A	$ 208.98
512	N/A	D2160		Amalgam - three surfaces, primary or permanent	NEW	N/A	$ 252.72
512	N/A	D2161		Amalgam - four or more surfaces, primary or permanent	NEW	N/A	$ 307.98
512	N/A	D2330		Resin-based composite - one surface, anterior	NEW	N/A	$ 199.62
512	N/A	D2331		Resin-based composite - two surfaces, anterior	NEW	N/A	$ 273.90
512	N/A	D2332		Resin-based composite - three surfaces, anterior	NEW	N/A	$ 402.18
512	N/A	D2335		Resin-based composite - four or more surfaces or involving incisal angle (anterior)	NEW	N/A	$ 416.10
512	N/A	D2391		Resin-based composite - one surface, posterior	NEW	N/A	$ 293.40
512	N/A	D2392		Resin-based composite - two surfaces, posterior	NEW	N/A	$ 392.58
512	N/A	D2393		Resin-based composite - three surfaces, posterior	NEW	N/A	$487.77
512	N/A	D2394		Resin-based composite - four or more surfaces, posterior	NEW	N/A	$591.30
512	N/A	D2740		Crown - porcelain/ceramic substrate	NEW	N/A	$1,558.80
512	N/A	D2750		Crown - porcelain fused to high noble metal	NEW	N/A	$1,440.00
512	N/A	D2751		Crown - porcelain fused to predominantly base metal	NEW	N/A	$1,538.10
512	N/A	D2752		Crown - porcelain fused to noble metal	NEW	N/A	$1,466.82
512	N/A	D2790		Crown - full cast high noble metal	NEW	N/A	$1,484.28
512	N/A	D2791		Crown - full cast predominantly base metal	NEW	N/A	$1,440.00
512	N/A	D2792		Crown - full cast noble metal	NEW	N/A	$1,440.00
512	N/A	D2910		Recement inlay, onlay, or partial coverage restoration	NEW	N/A	$133.02
512	N/A	D2920		Recement crown	NEW	N/A	$139.14
512	N/A	D2930		Prefabricated stainless steel crown - primary tooth	NEW	N/A	$381.42
512	N/A	D2931		Prefabricated stainless steel crown - permanent tooth	NEW	N/A	$431.64
512	N/A	D2932		Prefabricated resin crown	NEW	N/A	$460.62
512	N/A	D2933		Prefabricated stainless steel crown with resin window	NEW	N/A	$527.58
512	N/A	D2934		Prefabricated esthetic coated stainless steel crown - primary tooth	NEW	N/A	$527.58
512	N/A	D2950		Core buildup, including any pins when required	NEW	N/A	$336.00
512	N/A	D2951		Pin retention - per tooth, in addition to restoration	NEW	N/A	$80.64
512	N/A	D2952		Post and core in addition to crown, indirectly fabricated	NEW	N/A	$474.84
512	N/A	D2954		Prefabricated post and core in addition to crown	NEW	N/A	$377.64
512	N/A	D3220		Therapeutic pulpotomy (excluding final restoration)	NEW	N/A	$235.80
512	N/A	D3222		Partial pulpotomy for apexogenesis	NEW	N/A	$239.94
512	N/A	D3230		Pulpal therapy (resorbable filling) - anterior, primary tooth (excluding final restoration)	NEW	N/A	$269.67
512	N/A	D3240		Pulpal therapy (resorbable filling) - posterior, primary tooth (excluding final restoration)	NEW	N/A	$331.89
512	N/A	D3310		Endodontic therapy, anterior tooth (excluding final restoration)	NEW	N/A	$885.24
512	N/A	D3320		Endodontic therapy, premolar tooth (excluding final restoration)	NEW	N/A	$1,084.86
512	N/A	D3330		Endodontic therapy, molar tooth (excluding final restoration)	NEW	N/A	$1,345.32
512	N/A	D3346		Retreatment of previous root canal therapy - anterior	NEW	N/A	$1,180.44
512	N/A	D3347		Retreatment of previous root canal therapy - premolar	NEW	N/A	$1,388.88
512	N/A	D3348		Retreatment of previous root canal therapy - molar	NEW	N/A	$1,718.82
512	N/A	D3351		Apexification/recalcification/pulpal regeneration - initial visit	NEW	N/A	$503.46

512	N/A	D3352		Apexification/recalcification - interim medication replacement	NEW	N/A	$225.72
512	N/A	D3353		Apexification/recalcification - final visit	NEW	N/A	$694.44
512	N/A	D3355		Pulpal regeneration - initial visit	NEW	N/A	$503.46
512	N/A	D3356		Pulpal regeneration - interim medication replacement	NEW	N/A	$225.72
512	N/A	D3357		Pulpal regeneration - completion of treatment	NEW	N/A	$282.78
512	N/A	D3410		Apicoectomy - anterior	NEW	N/A	$998.10
512	N/A	D3421		Apicoectomy - premolar (first root)	NEW	N/A	$1,110.96
512	N/A	D3425		Apicoectomy - molar (first root)	NEW	N/A	$1,258.74
512	N/A	D2921		Reattachment of tooth fragment, incisal edge or cusp	NEW	N/A	$259.65
512	N/A	D4341		Periodontal scaling and root planing - four or more teeth per quadrant	NEW	N/A	$535.32
512	N/A	D4342		Periodontal scaling and root planing - one to three teeth per quadrant	NEW	N/A	$309.72
512	N/A	D4355		Full mouth debridement	NEW	N/A	$235.26
512	N/A	D4910		Periodontal maintenance	NEW	N/A	$265.68
512	N/A	D5110		Complete denture - maxillary	NEW	N/A	$1,902.60
512	N/A	D5120		Complete denture - mandibular	NEW	N/A	$1,902.60
512	N/A	D5130		Immediate denture - maxillary	NEW	N/A	$2,074.50
512	N/A	D5140		Immediate denture - mandibular	NEW	N/A	$2,074.50
512	N/A	D5211		Maxillary partial denture - resin base	NEW	N/A	$1,605.78
512	N/A	D5212		Mandibular partial denture - resin base	NEW	N/A	$1,866.24
512	N/A	D5213		Maxillary partial denture - cast metal	NEW	N/A	$2,102.22
512	N/A	D5214		Mandibular partial denture - cast metal	NEW	N/A	$2,102.22
512	N/A	D5227		Immediate maxillary partial denture - flexible base	NEW	N/A	$1,751.58
512	N/A	D5228		Immediate mandibular partial denture	NEW	N/A	$2,034.54
512	N/A	D5410		Adjust complete denture - maxillary	NEW	N/A	$178.74
512	N/A	D5411		Adjust complete denture - mandibular	NEW	N/A	$178.74
512	N/A	D5421		Adjust partial denture - maxillary	NEW	N/A	$178.74
512	N/A	D5422		Adjust partial denture - mandibular	NEW	N/A	$178.74
512	N/A	D5511		Repair broken complete denture base, mandibular	NEW	N/A	$369.18
512	N/A	D5512		Repair broken complete denture base, maxillary	NEW	N/A	$369.18
512	N/A	D5520		Replace missing or broken teeth - complete denture (each tooth)	NEW	N/A	$275.58
512	N/A	D5611		Repair resin partial denture base, mandibular	NEW	N/A	$399.96
512	N/A	D5612		Repair resin partial denture base, maxillary	NEW	N/A	$399.96
512	N/A	D5621		Repair cast partial framework, mandibular	NEW	N/A	$468.90
512	N/A	D5622		Repair cast partial framework, maxillary	NEW	N/A	$468.90
512	N/A	D5630		repair or replace broken retentive/clasping materials - per tooth	NEW	N/A	$435.78
512	N/A	D5640		Replace broken teeth - per tooth	NEW	N/A	$287.46
512	N/A	D5650		Add tooth to existing partial denture	NEW	N/A	$371.70
512	N/A	D5660		Add clasp to existing partial denture - per tooth	NEW	N/A	$415.08
512	N/A	D5710		Rebase complete maxillary denture	NEW	N/A	$936.72
512	N/A	D5711		Rebase complete mandibular denture	NEW	N/A	$936.36
512	N/A	D5720		Rebase maxillary partial denture	NEW	N/A	$1,016.28
512	N/A	D5721		Rebase mandibular partial denture	NEW	N/A	$1,016.28
512	N/A	D5730		Reline complete maxillary denture (chairside)	NEW	N/A	$467.46
512	N/A	D5731		Reline complete mandibular denture (chairside)	NEW	N/A	$467.46
512	N/A	D5740		Reline maxillary partial denture (chairside)	NEW	N/A	$432.18
512	N/A	D5741		Reline mandibular partial denture (chairside)	NEW	N/A	$432.18
512	N/A	D5750		Reline complete maxillary denture (laboratory)	NEW	N/A	$694.08
512	N/A	D5751		Reline complete mandibular denture (laboratory)	NEW	N/A	$694.08
512	N/A	D5760		Reline maxillary partial denture (laboratory)	NEW	N/A	$655.20
512	N/A	D5761		Reline mandibular partial denture (laboratory)	NEW	N/A	$655.20
512	N/A	D5765		Soft liner for complete or partial removable denture indirect	NEW	N/A	$619.74
512	N/A	D5820		Interim partial denture (maxillary)	NEW	N/A	$790.92
512	N/A	D5821		Interim partial denture (mandibular)	NEW	N/A	$790.92
512	N/A	D7111		Extraction, coronal remnants - primary tooth	NEW	N/A	$162.00
512	N/A	D7140		Extraction, erupted tooth or exposed root (elevation and/or forceps removal)	NEW	N/A	$209.34
512	N/A	D7210		Surgical removal of erupted tooth	NEW	N/A	$436.80
512	N/A	D7220		Removal of impacted tooth - soft tissue	NEW	N/A	$502.32
512	N/A	D7230		Removal of impacted tooth - partially bony	NEW	N/A	$736.32
512	N/A	D7240		Removal of impacted tooth - completely bony	NEW	N/A	$907.92
512	N/A	D7241		Removal of impacted tooth - completely bony, with unusual surgical complications	NEW	N/A	$1,033.38
512	N/A	D7250		Surgical removal of residual tooth roots (cutting procedure)	NEW	N/A	$525.42
512	N/A	D7260		Oroantral fistula closure	NEW	N/A	$1,865.16
512	N/A	D7261		Primary closure of a sinus perforation	NEW	N/A	$867.96
512	N/A	D7270		Tooth reimplantation and/or stabilization of accidentally evulsed or displaced tooth	NEW	N/A	$754.20
512	N/A	D7280		Surgical access of an unerupted tooth	NEW	N/A	$607.50
512	N/A	D7282		Mobilization of erupted or malpositioned tooth to aid eruption	NEW	N/A	$303.84
512	N/A	D7283		Placement of device to facilitate eruption of impacted tooth	NEW	N/A	$320.22
512	N/A	D7285		Biopsy of oral tissue - hard (bone, tooth)	NEW	N/A	$1,215.18
512	N/A	D7286		Biopsy of oral tissue - soft	NEW	N/A	$520.74
512	N/A	D7310		Alveoloplasty in conjunction with extractions - four or more teeth or tooth spaces, per quadrant	NEW	N/A	$469.62
512	N/A	D7311		Alveoloplasty in conjunction with extractions - one to three teeth or tooth spaces, per quadrant	NEW	N/A	$303.84
512	N/A	D7320		Alveoloplasty not in conjunction with extractions -four or more teeth or tooth spaces, per quadrant	NEW	N/A	$624.60
512	N/A	D7321		Alveoloplasty not in conjunction with extractions - one to three teeth or tooth spaces, per quadrant	NEW	N/A	$477.36
512	N/A	D7410		Excision of benign lesion up to 1.25 cm	NEW	N/A	$1,041.48
512	N/A	D7411		Excision of benign lesion greater than 1.25 cm	NEW	N/A	$1,649.16
512	N/A	D7510		Incision and drainage of abscess - intraoral soft tissue	NEW	N/A	$373.32
512	N/A	D7961		Buccal / labial frenectomy (frenulectomy)	NEW	N/A	$477.36
512	N/A	D7962		Lingual frenectomy (frenulectomy)	NEW	N/A	$477.36
512	N/A	D7970		Excision of hyperplastic tissue - per arch	NEW	N/A	$694.44
512	N/A	D7971		Excision of pericoronal gingiva	NEW	N/A	$297.72

512	N/A	D8010		Limited orthodontic treatment of the primary dentition	NEW	N/A	$3,933.15
512	N/A	D8020		Limited orthodontic treatment of the transitional dentition	NEW	N/A	$3,933.15
512	N/A	D8070		Comprehensive orthodontic treatment of the transitional dentition	NEW	N/A	$15,132.00
512	N/A	D8080		Comprehensive orthodontic treatment of the adolescent dentition	NEW	N/A	$15,132.00
512	N/A	D8090		Comprehensive orthodontic treatment of the adult dentition	NEW	N/A	$15,132.00
512	N/A	D8660		Pre-orthodontic treatment visit	NEW	N/A	$360.00
512	N/A	D9110		Palliative treatment of dental pain - per visit	NEW	N/A	$177.84
512	N/A	D9230		Inhalation of nitrous oxide / anxiolysis, analgesia	NEW	N/A	$174.72
512	N/A	D9239		Intravenous moderate (conscious) sedation/analgesia -- first 15 minutes	NEW	N/A	$312.00
512	N/A	D9243		Intravenous moderate (conscious) sedation/analgesia - each subsequent 15 minute increment	NEW	N/A	$199.80

Commonwealth Healthcare Corporation
Commonwealth gi Sankattan na Islas Mariånas
1178 Hinemlu' St. Garapan, Saipan, MP 96950

NUTISIAN PUPBLIKU PUT I MANMAPROPONI NA AMENDA SIHA GI CHCC CHARGEMASTER PARA DIFIRENTIS NA ÅPAS

I AKSION NI MA'INTENSIONA PARA U ADÅPTA ESTI I MANMAPROPONI NA TINILAIKA GI AREKLAMENTU YAN REGULASION SIHA: I Commonwealth Healthcare Corporation (i CHCC) ha intensiona para u adåpta komu petmanienti i mañechettun na hina'halum Chargemaster sigun gi maneran i Åkton Administrative Procedure, 1 CMC § 9104(a). I hina'halum Chargemaster siempri umifektibu gi halum dies (10) dihas dispues di adåptasion yan pupblikasion gi halum Rehistran Commonwealth. (1 CMC § 9105(b))

ATURIDÅT: I Board of Trustees siña mapripåra yan adåpta i areklamentu yan regulasion siha para u mana'garantiha na manmannåå'i kuålidåt na inadahin hinemlu' yan setbisiun mediku yan i macho'cho'chu' na fainansiåt nu i Corporation ni mås ha na'adilantåo yan sietbi i rason-ñiha siha. 3 CMC Seksiona 2826(c).

I TEMA YAN SUSTÅNSIAN I PALÅBRA SIHA: Mannuebu na åpas siha.

I SUHETU NI MASUMÅRIA YAN ASUNTU NI TINEKKA: Nuebu na åpas siha.

DIREKSION PARA U MAPO'LU YAN PARA U MAPUPBLIKA: Esti na nutisia put i Manmaproponi na Amenda siha gi Chargemaster siempri mapupblika gi halum Rehistran Commonwealth halum i seksiona gi maproponi yan nuebu na manma'adåpta na regulasion siha (1 CMC § 9102(a)(1)) yan mapega gi halum kumbinienti na lugåt halum i civic center yan halum i ufisinan gubietnamentu gi kada distritun senadot, parehu gi finu' Inglis yan i prinsipåt na lingguåhi natibu (1 CMC § 9104(A)(1)) codified gi NMIAC na Seksiona 140-10.8-101. Managuaha kopia yanggin marikuesta ginen as Roxanne Ada, i Direktot Reditu.

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hånåo pat intrega hålum i upiñom-mu guatu as, i Direktot Reditu, roxanne.ada@chcc.health, *Attn: "Amenda gi Chargemaster, para Difirentis na Åpas" gi sanhilu' na address, fax osino email address, yan i suhetu na råya "Amenda gi Chargemaster, para Difirentis na Åpas."* I upiñon siha debi na u fanhålum gi halum trenta (30) dihas ginen i fetchan pupblikasión esti na nutisia. Put fabot na'hålum i infotmasion, upiñon pat testimonion kinentråm-mu siha. (1 CMC § 9104(a)(2)).

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (670) 236-8201/2 FAX: (670) 233-8756

Esti i manmaproponi na amenda siha gi Chargemaster, para Difirentis Åpas ginen maninaprueba ni i Kuetpun CHCC Trustees yan i CHCC CEO.

Nina'hålum as:

ESTHER L. MUNA
Chief Executive Officer

03/12/24
Fetcha

JUAN N. BABAUTA
Kabesiyun Kuetpu

03/12/2024
Fetcha

Pine'lu yan
Ninota as:

ESTHER M. SAN NICOLAS
Rehistran Commonwealth

03.14.2024
Fetcha

Sigun i 1 CMC § 2153 (e), (Inaprueban Abugådu Hiniråt i regulasion siha ni para u macho´gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (hentan inaprueban Abugådu Hiniråt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisient i ligåt ginin i CNMI Abugådu Heneråt yan debi na u mapupblika, 1 CMC § 2153 (f) (pupblikasion areklamentu yan regulasion siha).

Mafetcha gi diha 13 gi March, 2024.

EDWARD E. MANIBUSAN
Abugådu Hiniråt

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (670) 236-8201/2 FAX: (670) 233-8756

Commonwealth Healthcare Corporation
Commonwealth of the Northern Mariana Islands
1178 Hinemlu' St. Garapan, Saipan, MP 96950

ARONGORONGOL TOULAP REEL PPWOMMWOL LIIWEL NGALI CHCC CHARGEMASTER NGALI AKKÁÁW ÓBWÓSS
PUBLIC NOTICE OF PROPOSED AMENDMENTS TO THE CHCC CHARGEMASTER FOR VARIOUS FEES

MÁNGEMÁNGIL MWÓGHUTH REEL REBWE ADÓPTÁÁLI PPWOMMWOL SIIWEL NGALI ALLÉGH ME MWÓGHUTUGHUT: Commonwealth Healthcare Corporation (CHCC) re mángemángil rebwe adóptááli Chargemaster ikka e schuulong ikka e appasch bwe ebwe lléghló sángi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Chargemaster ikka rebwe bwal aschuulong ebwe bwunguló seigh (10) ráál mwiril aal adóptááli me akkatééwowul me llól Commonwealth Register. (1 CMC § 9105(b))

BWÁNGIL: Emmwel bwe Board of Trustees rebwe ayoora mmwelil me adóptááli allégh me mwóghutughut reel ebwe ffat issisiwowul ghatchúl health care me alilisil mediku me mille financial viability sángi Corporation iye ebwe ghatch le alisi ffééró aar angaang. 3 CMC Tálil 2826(c).

KKAPASAL ME WEEWEEL: Ikkaal ffél óbwóss.

KKAPASAL ME AUTOL: Ffél óbwóss.

AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Ebwe akkatééwow Arongorongol Ppwommwol Liiwel ngáli Chargemaster me llól Commonwealth Register llól tálil ppwommwol me ffél mwóghutughut ikka ra adóptááli (1 CMC § 9102(a)(1)) me ebwe appaschetá llól civic center llól bwulasiyol gobetnameento me llól senatorial district, fengál reel English me mwáliyaasch (1CMC § 9104(A)(1)) iye e itittiw me NMIAC Tálil 140-10.8-101. Emmwel ubwe tingór pappidil mille sángi Roxanne Ada, Director-il Revenue.

REEL ISIISILONGOL KKAPAS: Afanga ngare bwughiló yóómw ischil kkapas ngáli Roxanne Ada, Director-il Revenue, roxanne.ada@chcc.health, *Attn: Amendments to the Chargemaster, for Various Fees* reel féléfél iye e lo weiláng, fax ngare email address, fengál wóól subject line bwe "Amendments to the Chargemaster, for Various Fees." Ebwe toolong ischil kkapas llól eliigh (30)

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (670) 236-8201/2 FAX: (670) 233-8756

ráál mwiril aal akkatééwow arongorong yeel. Isiisilong yóómw data, views ngare angiingi. (1 CMC § 9104(a)(2)).

Aa átirow ppwommwol liiwel kkaal ngáli Chargemaster, for Various Fees sángi CHCC Board-il Trustees me CHCC CEO.

Isáliyalong: _____ 03/12/24
ESTHER L. MUNA — Ráál
Chief Executive Officer

_____ 03/12/2024
JUAN N. BABAUTA — Ráál
Board Chair

Ammwelil: _____ 03.14.2024
ESTHER M. SAN NICOLAS — Ráál
Commonwealth Registrar

Sángi 1 CMC § 2153(e) (sángi átirowal AG reel mwóghutughut kkaal bwe aa lléghlól reel ffééirúl me ebwe arongowow) me 1 CMC § 9104(a)(3) (sángi átirowal AG) reel ppwommwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me aa lléghló reel ffééirúl me legal sufficiency sángi Soulemelemil Allégh Lapalapal CNMI me ebwe akkatééwow, 1 CMC § 2153(f) (arongowowul allégh me mwóghutughut).

Ghikkill wóól 13 ráálil March, 2024.

_____
EDWARD E. MANIBUSAN
Soulemelemil Allégh Lapalap

P.O. Box 500409 CK, Saipan, MP 96950
Telephone: (670) 236-8201/2 FAX: (670) 233-8756

CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

In Re Matter of:	)	**Labor Case No. 23-027**
	)	
Rosalinda Moral,	)	
	)	
Complainant,	)	**ADMINISTRATIVE DECISION DISMISSING COMPLAINT FOR FAILURE TO STATE A CLAIM**
	)	
v.	)	
	)	
Alfredo Cabael Dba Kauila Enterprises,	)	
	)	
Respondent.	)	
	)	

I. INTRODUCTION

Upon review of the pleadings, Complainant was ordered to show cause why the complaint should not be dismissed.

II. APPLICABLE LAW

Pursuant to 3 CMC § 4947(a), "the hearing office may, after notice and an opportunity to be heard is provided to the parties, dismiss *sua sponte* a complaint that the hearing officer finds to be without merit." Pursuant to NMIAC § 80-20.2-130(c), dismissal is warranted on the following grounds: (1) lack of jurisdiction over the subject matter; (2) lack of jurisdiction over the person; (3) insufficiency of process; (4) insufficiency of service of process; and (5) failure to state a claim upon which relief can be granted. *See* also NMIAC § 80-20.1-485(b).

III. BACKGROUND

On September 26, 2023, Complainant initiated a labor case against Respondent for unpaid wages, employment preference, and reduction in force. On October 4, 2023, Respondent filed an answer and a motion to dismiss. On October 6, 2023, the case was referred to Enforcement for further investigation. On January 16, 2024, Enforcement filed a Determination to report their findings and recommend dismissal. Specifically, Enforcement determined: (1) Complainant's

claim for unpaid wages is outside the six-month statute of limitation, (2) Complainant's claim for a violation of employment preference does not apply to Complainant due to not being renewed, and (3) Complainant's claim for unlawful reduction in force for non-renewal of her CW1 permit does not apply to the Complainant.

Upon review, the undersigned found: (1) Complainant failed to state a claim upon which relief can be granted, specifically for Complainant's allegations for unpaid wages fall outside the six-month statute of limitations; (2) Complainant fails to provide sufficient factual allegations to support a claim for a violation of the employment preference law as there is no showing that Complainant is a US Citizen, permanent resident, or other status-qualified worker entitled to preference; and (3) Complainant was not renewed to continue work for the company, but there is no showing of an unlawful reduction in force. Accordingly, Complainant was ordered to show cause why the case should not be dismissed for failure to state a claim in which relief can be granted.

IV. DISCUSSION

On January 23, 2024, Complainant was ordered to show cause why the complaint should not be dismissed for failure to state a claim. On February 8, 2024, Complainant submitted an untimely response that did not address the legal deficiencies specified in the Order to Show Cause. Accordingly, based on a review of the findings and applicable law, the undersigned finds:

1. Complainant fails to state a claim within the six-month statute of limitations.

Pursuant to 3 CMC § 4962, "[n]o labor complaint may be filed more than six months after the date of the last-occurring event that is the subject of the complaint, except in cases where the actionable conduct was not discoverable upon the last-occurring event." *See also* 4 CMC § 9246. "If a complaint is not timely filed, the hearing office shall dismiss the complaint with prejudice." NMIAC § 80-20.1-465(e). Emphasis added.

On September 26, 2023, Complainant filed the complaint for the unpaid wages arising in October, November, and December of 2022. There is no showing that the actionable conduct was not discoverable considering that Complainant was supposed to be paid on a biweekly basis. Here,

Complainant failed to act within six months of when the wages were due. Accordingly, this claim is barred by the statute of limitations.

2. Complainant fails to provide sufficient allegations to support a claim for a violation of the employment preference.

Upon review of the complaint, Complainant fails to allege any facts to demonstrate a violation of the employment preference law.[1] Specifically, there is no showing that Complainant: (1) was entitled to preference; (2) applied for a job; (3) was denied employment without cause; and (4) the employer hired a foreign worker. Instead, Complainant alleges she was a foreign national working as a CW-1 and not renewed for employment—which is not actionable under the employment preference law. Accordingly, the undersigned finds this claim to be frivolous and without merit.

3. Complainant fails to state sufficient allegations to demonstrate an unlawful reduction in force.

Lastly, Complainant fails to allege any facts to demonstrate an unlawful reduction in force. Notably, the applicable law with respect to reductions in force does not take away an employer's business judgment and discretion in initiating mass lay-offs or company closures. Instead, the applicable reduction in force statutes and regulations prescribe a process and necessary notice requirements to do so. "An employer who employs foreign national workers may reduce the number of current employees based on economic necessity. The employer shall provide notice to the Department at least sixty days prior to the reduction in force." 3 CMC § 4937. *See* also NMIAC § 80-20.1-240.

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[1] A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident of U.S. permanent resident for the job. 3 CMC § 4528. "In the full-time workforce of any employer, the percentage of citizens, U.S. permanent residents, and CNMI permanent residents and their immediate relatives employed shall equal or exceed the percentage of citizens, U.S. permanent residents, and CNM permanent residents and their immediate relatives in the available private sector workforce unless attainment of this goal is not feasible within the current calendar year after all reasonable efforts have been made by the employer." 3 CMC § 4525

Here, there was no showing to demonstrate that the employer initiated a mass lay-off or company closure in violation of the prescribed process and notice requirement. Instead, Complainant alleges she was a foreign national working as a CW-1 and not renewed for employment—which is insufficient to show an unlawful reduction in force.

V. CONCLUSION

Based on the foregoing, Complainant failed to show cause why the claims against Respondent should not be dismissed for failure to state a claim. Accordingly, this matter is hereby **DISMISSED.**

Any person or party aggrieved by this Order may appeal by filing the Notice of Appeal form and filing fee with the Administrative Hearing Office within fifteen (15) days from the date of this Order.

So ordered this **8th** day of February, 2024

JACQUELINE A. NICOLAS
Chief Administrative Hearing Officer

CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

In Re Matter of:	)	**Labor Case No. 23-028**
	)	
Alberto Pascual,	)	
	)	
Complainant,	)	**ADMINISTRATIVE DECISION DISMISSING COMPLAINT FOR FAILURE TO STATE A CLAIM**
	)	
v.	)	
	)	
Alfredo Cabael Dba Kauila Enterprises,	)	
	)	
Respondent.	)	
	)	

I. INTRODUCTION

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III. BACKGROUND

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Upon review, the undersigned found: (1) Complainant failed to state a claim upon which relief can be granted, specifically for Complainant's allegations for unpaid wages fall outside the six-month statute of limitations; (2) Complainant fails to provide sufficient factual allegations to support a claim for a violation of the employment preference law as there is no showing that Complainant is a US Citizen, permanent resident, or other status-qualified worker entitled to preference; and (3) Complainant was not renewed to continue work for the company, but there is no showing of how the alleged reduction is unlawful. Accordingly, Complainant was ordered to show cause why the case should not be dismissed for failure to state a claim in which relief can be granted.

IV. DISCUSSION

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Complainant failed to act within six months of when the wages were due. Accordingly, this claim is barred by the statute of limitations.

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V. CONCLUSION

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Any person or party aggrieved by this Order may appeal by filing the Notice of Appeal form and filing fee with the Administrative Hearing Office within fifteen (15) days from the date of this Order.

So ordered this **8th** day of February, 2024

JACQUELINE A. NICOLAS
Chief Administrative Hearing Officer