

TITLE 19.
REGULATION OF PROFESSIONS AND OCCUPATIONS

CHAPTER 1.

LICENSING OF HEALTH CARE PROVIDERS

ARRANGEMENT OF SECTIONS

Section	Section
PART I- PRELIMINARY	PART III - MISCELLANEOUS
§101. Short title	§110. Offenses and penalties.
§102. Interpretation	§111. Fees for official services
	§112. Health training
PART II- LICENSING OF HEALTH PERSONNEL	§113. Regulations
§103. Application of Part II.	
§104. The Medical Board.	PART IV - TRANSITIONAL PROVISIONS
§105. Standards.	§114. Existing Standards, etc.
§106. Licenses	§115. Existing Fee Schedules
§107. Records of licenses	
§108. Revocation and suspension	
§109. Requirement of license	

An Act relating to health services in the Republic.[Section numbering style modified to conform to new Code format Rev2003]

Commencement : February 2, 1983
Source P.L. 1983-4

PART I - PRELIMINARY

§101. Short Title

This Chapter may be cited as the "Health Services Act 1983". [P.L. 1983-4, §1]

§102. Interpretations

In this Chapter :

(a) "category of health service" means:

- (i) medicine;
- (ii) surgery;
- (iii) dentistry;
- (iv) nursing; or
- (v) any other related health service;

(b) "the Medical Board" means the Medical Examining Licensing Board

established by Section 104 of this Chapter ;

(c) “related health service” means any branch of practice of or associated with the healing arts that is declared by the regulations made for the purposes of Section 105(1) of this Chapter to be a related health service for the purpose of this Chapter . [P.L. 1983-4, §2.]

PART II- LICENSING OF HEALTH PERSONNEL

§103. Application of Part II.

(1) Subject to Subsection (2) of this Section, this Part applies to and in relation to practice in any category of health service, whether or not in the employment of the Government of the Marshall Islands.

(2) This Part does not apply to or in relation to:

(a) practitioners in any category of health service in the employment of the Government of the Marshall Islands, acting in the course of that employment;

(b) practitioners in any category of health service in the employment of the Government of the United States or of any agency of that Government, or of contractors for that Government or of any such agency, acting in the course of that employment;

(c) the knowledgeable practice of any category of health service in an emergency and without charge;

(d) practice, under the supervision of a licensed practitioner, in any category of health service in an apprentice capacity:

(i) with the specific approval of the Medical Board; and

(ii) in accordance with such conditions and restrictions as are imposed by that Board; or

(e) in relation to the crew or passengers of the vessel, persons practicing in any category of health service on a vessel traveling to or from any part of the Republic.

[P.L. 1983-4, §3]

§104. The Medical Board.

(1) A Medical Examining and Licensing Board is hereby established.

(2) Subject to Subsection (6) of this Section, members of the Medical Board shall be appointed by the Cabinet.

(3) Subject to Subsection (4) of this Section, the Medical Board shall consist of three (3) persons entitled to practice medicine or surgery in the Republic.

(4) When the Medical Board is considering any matter relating to a category of health service other than medicine or surgery, it shall include a person entitled to practice in that category in the Republic.

(5) A member of the Medical Board appointed under Subsection (3) of this Section shall be appointed for a period of three (3) years, and subject to Subsection (6) of this Section, a person appointed under Subsection (4) of this Section shall be appointed for such period, not exceeding three (3) years, as the Cabinet decides, and may be removed from office by it, for cause.

(6) If at any time an appointment under Subsection (4) of this Section is required in order to enable the Medical Board to deal with any matter and it is not possible, or is not convenient, to wait for an appointment to be made by the Cabinet, the Minister or in his absence or inability to act the

Secretary, may make the appointment in relation to that matter.

(7) Subject to any regulations made under Section 113 of this Chapter , the Medical Board shall determine its own procedure. [P.L. 1983-4, §4]

§105. Standards.

(1) Regulations made under Section 113 of this Chapter on the recommendation of the Medical Board shall establish standards for the licensing of persons to practice in any category of health service in the Republic.

(2) Regulations made for the purposes of Subsection (1) of this Section may establish different classes of licenses within the category of health service.

(3) Regulations made under Subsection (1) of this Section may authorize the Medical Board to provide for, or to recognize, oral or written examinations in addition to or in place of other qualifications. [P.L. 1983-4, §5]

§106. Licenses.

(1) The Medical Board may issue licenses to practice in any category of health service in the Republic to persons who comply with the standards established under Section 105 of this Chapter , and who are otherwise fit and proper persons to practice in that category.

(2) The regulations made under Section 113 of this Chapter may make a license subject to the payment of annual or other fees. [P.L. 1983-4, §6.]

§107. Records of licenses.

A permanent record of each license issued under Section 106 of this Chapter , and of any suspension or revocation of it, shall be maintained by the Department. [P.L. 1983-4, §7.]

§108. Revocation and suspension.

(1) A license issued under Section 106 of this Chapter may be suspended or revoked for cause, by the Medical Board.

(2) If a person is licensed under Section 106 of this Chapter by virtue of an entitlement to practice under the law of some place other than the Republic, and that entitlement is suspended or revoked in that place, that fact is sufficient cause for the suspension of his license under Section 106 of this Chapter .

(3) Before a license is suspended or revoked under Subsection (1) of this Section, the Medical Board shall:

(a) give to the licensee due written notice of the charge or charges that have been made and of time and place when and where it or they will be heard; and

(b) give to the licensee a reasonable opportunity to present evidence and to be heard in his defense.

(4) The regulations made under Section 113 of this Chapter may make provision for and with respect to the lifting of suspensions and for readmittance to practice. [P.L. 1983-4, §8.]¹

¹[This subsection was incorrectly numbered as (3) in the 98 revision, it has been re-numbered as (4)Rev2003] .

§109. Requirement of license.

Except as provided in Section 103(2) of this Chapter , a person must not practice in any category of health service in the Republic unless he is the holder of a current license so to practice and acts in accordance with the license. [P.L. 1983-4, §9.]

PART III - OFFENSES AND PENALTIES**§110. Offenses and penalties.**

(1) A person who practices in any category of health service in contravention of Section 109 of this Chapter shall be guilty of a felony and shall upon conviction be liable to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding two (2) years, or both.

(2) In addition to the penalty provided for under Subsection (1) of this Section, a person convicted of an offense under that Subsection is liable to a daily penalty of not more than \$1,000 for each day for which the contravention continues, and the court that convicts him, or the Medical Board, may order that any license held by him under Section 106 of this Chapter is canceled, or that no such license may be issued for a period fixed by the court or the Medical Board, as the case may be, or both. [P.L. 1983-4, §10.]

§111. Fees for official services.

(1) Subject to Subsection (2) of this Section, and to Article II, Section 15 and Article V, Section I(3)(g) of the Constitution of the Marshall Islands relating to the right to health care, the regulations made under Section 113 of this Chapter may make provision for the payment of individual or group fees for medical, surgical and dental services provided by the Government of the Marshall Islands, except for such services as the Cabinet determines should be free in order to best serve the public interest.

(2) Notwithstanding Subsection (1) of this Section:

(a) no person in need of medical, surgical or dental care shall be denied such care because of inability to pay all or part of any fee payable; and

(b) there shall be no distinction in treatment or care based on nonpayment or the amount of payment. [P.L. 1983-4, §11.]

§112. Health training.

(1) The Department of Health Services, in conjunction with the Department of Education as appropriate, shall conduct, supervise or arrange for continuing programs in the field of public health, including pre-service and in-service training.

(2) Programs referred to in Subsection (1) of this Section may be conducted, as appropriate, within or outside the Republic. [P.L. 1983-4, §12.]

§113. Regulations.

Subject to Section 105 of this Chapter , the Cabinet may make regulations prescribing all matters that are required or permitted by this Chapter to be prescribed in the regulations, or that are necessary or convenient to be so prescribed for the more effective operation of this Chapter . [P.L.1983-4, §13.]

PART IV - TRANSITIONAL PROVISIONS

§114. Existing standards, etc.

(1) Standards in effect immediately before the effective date of this Chapter under 63 TTC 1980, Section 152, shall be deemed, as at that date, to be established by regulations made for the purposes of Section 105(1) of this Chapter .

(2) Any public health regulations referred to in 63 TTC 1980, Section 152, in effect immediately before the effective date of this Chapter shall be deemed, as at that date, to be, with any necessary modifications, regulations made under Section 113 of this Chapter . [P.L. 1983-4, §14.]

§115. Existing fee schedules, etc.

Any schedule of fees and any regulations in effect under 63 TTC 1980, Section 155, immediately before the effective date of this Chapter , as affected by any determination by the High Commissioner or the Cabinet under that Section, shall be deemed, as at that date, to be regulations made for the purposes of Section 111(1) of this Chapter . [P.L. 1983-4, §16.][This section was formerly section number 116, re-numbered as section 115 . Former §115 was “reserved”] Rev.2003]

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