



## COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Benigno R. Fitial**  
Governor

**Eloy S. Inos**  
Lieutenant Governor

### EXECUTIVE ORDER No. 2012-03

#### DECLARATION OF HEALTH EMERGENCY

**WHEREAS**, the Commonwealth Healthcare Corporation (“CHC”) provides the bulk of necessary healthcare in the Commonwealth, as well as providing all emergency medical services; and

**WHEREAS**, the disruption of the provision of medical services by the CHC poses a direct threat to the health and safety of the people of the Northern Mariana Islands; and

**WHEREAS**, the CHC is currently in arrears to payments to vendors providing vital services and equipment and is in arrears in regards to salary payments to necessary employees; and

**WHEREAS**, CHC, due to financial constraints, will have to shut down major functions of the Hospital, thus presenting an imminent threat to the public’s health and welfare; and

**WHEREAS**, the CHC requires an infusion of funds to continue to provide medical services necessary for the health, welfare and safety of the people of the Northern Mariana Islands; and

**WHEREAS**, the Marianas Public Land Trust (“MPLT”) and the CHC have agreed to a loan to provide needed funds to the CHC so that it may continue to provide medical services critical to the people of the CNMI; and

**WHEREAS**, in order to finance the repayment of the above loan, and for the CHC to ensure its future financial security, it is necessary for an emergency declaration to be made that will allow the CHC to contract with a provider of medical billing services without the CHC going through the standard procurement regulations; and

**WHEREAS**, Article III §10 of the Constitution of the Commonwealth and section 5101 *et seq.* of Title Three of the Commonwealth Code provide that the Governor has the authority and duty to take the necessary steps to respond to impending disasters;

**NOW THEREFORE**, A State of Emergency for the Commonwealth of the Northern Mariana Islands is declared due to the imminent threat of the disruption of critical medical services in the

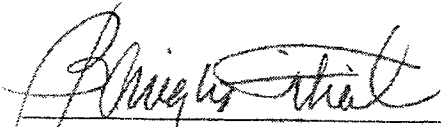
Commonwealth and the danger that such a condition poses to the public because of the great increase in otherwise preventable deaths that would result.

In order to meet this imminent threat, the Constitutional authority provided under Article III §10 is invoked, including, but not limited to, the authority to:

1. Suspend all statutory or regulatory provisions as required; and
2. The reprogramming of funds necessary to meet this emergency.

To ensure that the suspension of regulatory provisions does not lead to financial abuse, this emergency declaration incorporates the March 19, 2012 Memorandum of Understanding (MOU) between CHC and the Department of Finance, Office Management and Budget, and Office of the Attorney General. In addition, any financial reports submitted by the CHC pursuant to the MOU must be submitted with a certification of the person submitting them stating that the reports are a full and accurate under penalty of perjury.

Done this 20th day of April, 2012

  
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Benigno R. Fitial  
Governor