

**North Pacific Fishery Management Council
C1 Council Motion – IFQ Transfer Provisions
April 4, 2019**

The Council adopts the following suite of alternatives for the proposed action to modify the IFQ medical and beneficiary transfer provisions. **Adopted alternatives are in bold.**

Alternative 1: Status Quo

Alternative 2: Modify the medical transfer provision.

Element 1: Define “Certified Medical Professional”

Option 1: Replace the current definition with a single, broader definition of certified medical professional, such as “Health care provider.” Health care provider could be defined as:

An eligible health care provider is an individual authorized to provide health care services by the State where he or she practices and performs within the scope of their specialty to diagnose and treat medical conditions as defined by applicable Federal, state, or local laws and regulations. A health care provider outside the U.S. and its territories licensed to practice medicine is included in this definition.

Option 2: Define a Certified Medical Professional as all or a sub-set of those individuals defined in the Social Security Act Sections 1861(r) and 1861(s).

Suboption: Option 1 and Option 2 would be limited to U.S. medical professionals.

Option 3: The Council directs staff to review definitions of “immediate family member” that could be used for the medical transfer provision which are more restrictive than those used for designated beneficiary provision regulations.

Element 2: Revise federal regulations to allow the medical transfer provision to be used for any medical reason for:

Option 1: 2 of 5 most recent years

Option 2: 3 of 7 most recent years

Note: Only transfers after implementation of new rule would count towards the limit.

Suboptions apply to either Option 1 or 2:

Suboption 1: Establish a limit on the number of times (based on two options to define years) the medical transfer provision may be used (range of 5 to 10 times).

Suboption 2: Define most recent year as one year (365 days) from the date the medical transfer application was approved by NMFS.

Option 3: To allow QS holders to transfer 100% of IFQ associated with QS held under eligible medical transfer to designee for two years; in the third time a medical transfer is used out of 7 years, the QS holder can transfer 80% of IFQ (by area by species) to designee; in the fourth time, the QS holder can transfer 60% of IFQ; after the fourth transfer, medical transfers would not be allowed during that 7 year period.

Alternative 3: Modify the beneficiary transfer provision.

Element 1: At 50 CFR 679.41(k) modify all references to surviving spouse and immediate family member by adding “estate.”

Element 2: Define “immediate family member” in regulations at 50 CFR 679 as follows:

Option 1: US Office of Personnel Management definition

Option 2: Federal Family Medical Leave Act definition

The Council deems proposed regulations that clearly and directly flow from the provisions of this motion to be necessary and appropriate in accordance with section 303(c). The Council authorizes the Executive Director and the Chairman to review the draft proposed regulations when provided by NMFS to ensure that the proposed regulations to be submitted to the Secretary under section 303(c) are consistent with these instructions.