

North Pacific Fishery Management Council
C4 Medical Transfer Final Motion
February 10, 2018

The Council recommends the following purpose and needs statement for this action and initiates analysis:

The Individual Fishing Quota (IFQ) Program was designed to ensure that the sablefish and halibut fisheries are predominately owner-operated where the quota share (QS) holders fish the annual IFQ. Transfers (leases) of IFQ derived from catcher vessel QS has generally been prohibited. However, the program includes a provision that allows for the temporary leasing of catcher vessel IFQ if the QS holder has a medical condition, or must care for someone with a medical condition, that prevents the QS holder from fishing. The medical transfer provision was intended to reduce the hardship on QS holders while they address a temporary medical condition. However, the Council is concerned that a small group of QS holders is consistently using the medical transfer provision and the current regulatory language makes it difficult to deny transfers that appear to be counter to the Council's original intent. NMFS and IFQ fishermen would benefit from clarification of the Council's intent for the program and if necessary adjusting the regulations to better reflect the program's objectives.

The Council recommends the following suite of alternatives for the proposed action to modify the IFQ Medical Transfer provision.

Alternative 1: Status Quo

Alternative 2: 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.

Alternative 3: 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.