

(H. B. 2375)

(No. 47-2020)

(Approved April 28, 2020)

AN ACT

To amend Sections 1020.02 (10), 2021.03 (a), and 2023.02 of Act No. 60-2019, known as the “Puerto Rico Incentives Code,” in order to clarify the scope of the health professionals to whom this Act applies; and for other related purposes.

STATEMENT OF MOTIVES

The “Puerto Rico Incentives Code” was created for the purpose of consolidating dozens of existing tax or financial decrees, incentives, subsidies, reimbursements, or benefits in order to promote the environment, opportunities, and adequate tools to foster the sustainable economic development of Puerto Rico.

Act No. 60-2019 incorporated amendments to Act No. 14-2017, as amended, known as the “Act to Incentivize the Retention and Return of Medical Professionals.” The purpose of Act No. 14, *supra*, is to prevent the brain drain of medical professionals in Puerto Rico through the granting of economic incentives.

Notwithstanding the many efforts made and the intent of said Act, the Government has been unable to stop the flight of health professionals, which affects the quality of life of the citizens of our archipelago.

According to data provided by the Puerto Rico College of Physicians and Surgeons, there are 10,500 physicians enrolled, but of these, only 9,000 are practicing medicine. This means that in Puerto Rico, there are 5 physicians for every 2,000 people, in terms of a population of 3.5 million.

The information furnished reveals that over the last 10 years, five thousand (5,000) physicians have quit working in Puerto Rico. Most of them have moved their practices outside of our jurisdiction mostly due to financial reasons. High electricity, operational, and equipment costs, as well as burdensome malpractice insurance costs were pointed out as other triggers. All of this has brought about an unbalanced system that is unfair for both physicians and patients.

Act No. 14-2017, *supra*, excluded general practitioners across Puerto Rico, pediatricians in different areas, and internists of several regions, including the east and southeast of the Island, which were the most affected by hurricane Maria. The Puerto Rico College of Physicians and Surgeons' position that the decree should be extended to all physicians in Puerto Rico has been consistent. They have stressed that under the present circumstances no physician should be excluded. Such fact was demonstrated after hurricane Maria.

For all of the foregoing, this Honorable Body deems it necessary to amend Sections 1020.02 (10), 2021.03 (a), and 2023.02 of Act No. 60-2019, known as the "Puerto Rico Incentives Code," in order to clarify the scope of the health professionals to whom this Act applies. It is the specific intent of this legislation that said scope be broadened to the maximum extent possible, so as to inure to the benefit of all health professionals that reside and offer services in Puerto Rico.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 1020.02 (10) of Act No. 60-2019, is hereby amended to read as follows:

"Section 1020.02.- Definitions Applicable to Activities of Individuals

(a) ...

(1) ...

...

(10) Qualified Physician.- Means an individual admitted to the practice of medicine, whether a general practitioner or other medical specialty, or to podiatric medicine, audiology; chiropractic; optometry; or who is a dental surgeon or who practices any dental specialty, and who practices his profession on a Full-Time basis. This definition includes physicians who are in an accredited residency program.

...”

Section 2.- Section 2021.03 (a) of Act No. 60-2019, as amended, is hereby amended to read as follows:

“Section 2021.03.- Qualified Physicians.

(a) Every individual admitted to the practice of general medicine or any medical specialty, podiatric medicine; audiology; chiropractic; optometry; or who is a dental surgeon or practices any dental specialty and meets the requirements established in Section 2023.02 of this Code, may apply to the Secretary of the DEDC to be granted the economic incentives provided in Section 2022.04. Every Qualified Physician who is a Puerto Rico resident, as defined in Section 1010.01 (a)(30) of the Internal Revenue Code, shall have until June 30, 2020, to apply for a Decree under this Chapter. Moreover, every Qualified Physician who is not a Puerto Rico resident as of the effective date of this Code, as defined in Section 1010.01 (a)(30) of the Internal Revenue Code, shall have until June 30, 2020, to apply for a Decree under this Chapter. No applications shall be received after the aforementioned dates. Applications filed after April 21, 2019, shall be considered under the provisions of this Code.

...”

Section 3.- Section 2023.02 (a) of Act No. 60-2019, as amended, is hereby amended to read as follows:

“(a) Applicants shall meet the following requirements:

(1) ...

(2) To practice general medicine or any medical specialty, podiatric medicine; audiology; chiropractic; optometry; or who is a dental surgeon or practices any dental specialty on a Full-time Basis;

(3) ...

...

(c) Evaluation Criteria for Decree Applications Filed by Qualified Physicians.-

(1) ...

(2) The criteria to determine whether the granting of a Decree shall serve the best economic and social interests of the people of Puerto Rico are the following:

(i) The economic impact of the granting of the Decree.”

Section 4.- This Act shall take effect immediately after its approval.