

(H.B. 3257)

(No. 78)

(Approved June 2, 2008)

AN ACT

To amend subsection A of Section 6 of Article VI of Act No. 72 of 1993, as amended, in order to require that the students who benefit from the Health Reform Plan shall be issued a medical certificate after the annual examination provided by Law.

STATEMENT OF MOTIVES

Health is the basis to ensure a good academic performance. “Health is a social, economic and political issue, and above all it is a fundamental human right. Inequality, poverty, exploitation, violence and injustice are the root of ill-health and the death of poor and marginalized people. Health for all means that powerful interests have to be challenged/disputed, that globalization has to be opposed and that political and economic priorities have to be drastically changed.” People’s Charter for Health.

Recently, the Secretary of Health, Rosa Pérez-Perdomo, stated that obesity is a health problem suffered by sixty-two percent (62%) of the population of Puerto Rico, and that it has reached epidemic levels in the Island. She also warned about the serious dangers that this tendency entails for Puerto Ricans. The excessive consumption of food with a high concentration of fat and sugar, together with poor or none physical activity were pointed out by the Secretary to be among the risk factors that lead to obesity.

According to the Behavioral Risk Factor Surveillance System (BRFSS2003) in Puerto Rico, sixty-three point six percent (63%) of the

population has overweight and obesity problems. The same study revealed that in the entire American nation this percentage is 59.5. Thus, Puerto Ricans have proven to have more problems in caring for their health, precisely due to the lack of prevention. These statistics are very alarming, because, as it is known, the lack of physical activity and a poor nutrition lead to health conditions such as hypertension, diabetes, high cholesterol levels, and so on. In fact, ten point six percent (10.6%) of Puerto Ricans have diabetes (BRFSS, 2004) and twenty seven point three (27.3%) percent suffer from hypertension (BRFSS, 2003).

Different Health organizations such as the Center for Disease Control and Prevention (CDC) and the PanAmerican Health Organization recommend exercising approximately 5 to 6 times a week for at least 30 minutes. This moderate physical activity reduces the risk of developing heart diseases, colon cancer, hypertension and diabetes. Furthermore, exercising improves blood circulation, increases strength and flexibility and circumstantially improves the mood, thus reducing the possibility of falling into depression.

The problem of obesity and overweight is constantly increasing among the student population of our Island. It is definitely a public health problem which disproportionately affects the pediatric population. Therefore, the Department of Education and the Department of Health should work together to conduct screening clinics and to develop individualized risk profiles that include physical condition, anthropometry, physical efficiency, orientation on good nutrition, and on the no use and abuse of alcohol and tobacco among several others.

In recent days the government of Puerto Rico has initiated a campaign directed to promote a better physical condition in our students and to raise

awareness on the importance of good eating habits and exercise. This is a praiseworthy initiative, but if we fail to provide our students with the necessary tools to achieve such goal, said initiative would only remain a proposal.

Through Act No. 296 of September 11, 2000, known as the “Children and Adolescents Health Conservation Act of Puerto Rico,” whose main purpose is that every student, prior to the beginning of the school year, shall receive screening tests to be able to detect any condition that may affect his/her academic performance. This Act requires that the Department of Health, in coordination with the Department of Education, design a document which shall include the results of the tests required by the Act and the same shall be certified by a physician. Compliance with the provisions of Act No. 296, *supra*, would be a useful tool in order to have a comprehensive medical history of the student and thus be able to provide the student with the services that are necessary for his/her particular condition.

Unfortunately, due to a decision of the Department of Health and without the authorization of this Legislature, said Department notified the Department of Education that Act No. 296, *supra*, was suspended until the Department of Health notified otherwise. It does not make any sense to start a campaign in the media directed to showing the importance and seriousness that is given to health, education, and nutrition of our children, when a law, whose purpose is precisely to guarantee said benefits to our students, is being unilaterally rendered ineffective.

This bill has the purpose to guarantee that the students who benefit from the Health Reform shall receive the screening tests provided in Act No. 296, *supra*, and shall receive the corresponding certification. In this manner,

the Department of Health shall be in a better position to establish curricula that address the particular needs of the student population.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Subsection A of Section 6 of Article VI of Act No. 72 of 1993, as amended, is hereby amended to read as follows:

“Article VI.

HEALTH PLAN

...

Section 6.- Coverage and Minimum Benefits.-

The health plans shall have a broad coverage, with a minimum of exclusions. There shall be no exclusions for pre-existing conditions, nor waiting periods at the time coverage is granted to the beneficiary.

...

Coverage C.- . In its out-patient coverage, the plans shall include the following without being a limitation:

(1) Preventive health services:

(a) Vaccination of children and adults up to eighteen (18) years of age.

(b) Vaccination against influenza and pneumonia for persons over sixty-five (65) years of age, and/or children and adults with high risk illnesses such as pulmonary, kidney, diabetes and heart diseases, among others.

(c) Visit to the primary physician for a general medical examination once a year. In the case of the students who are beneficiaries of this plan, they shall be entitled to the annual the screening tests required by Act No. 296 of 2000, and to a certification issued by their primary physician to such effects.

(d) Screening test to detect gynecologic, breast and prostate cancer, according to acceptable practices.

(e) Sigmoidoscopy in adults over fifty (50) years of age having a risk of cancer of the colon, according to acceptable practices.

(2) Evaluation and treatment of beneficiaries with known diseases:

The initial evaluation and treatment of beneficiaries shall be made by the primary physician chosen by the patient among the providers of the corresponding plan.

Primary physicians shall have the responsibility of the out-patient management of the beneficiaries under their care, providing them with continuity of services. Likewise, they shall be the only ones authorized to refer the beneficiary to the supporting physicians and primary purveyors.”

Section 2.- The Health Insurance Administration shall determine through regulations the amount to be charged by the primary physician for issuing the certification required by this Act and shall review every year the fixing of such costs.”

Section 3.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 78 (H.B. 3257) of the 7th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend subsection A of Section 6 of Article VI of Act No. 72 of 1993, as amended, in order to require that the students who benefit from the Health Reform Plan shall be issued a medical certificate after the annual examination provided by Law,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 15th of September of 2008.

Francisco J. Domenech
Director