

(S. B. 157)

(No. 79-2021)

(Approved December 31, 2021)

AN ACT

To amend subsections (n) and (q) of Section 2 and subsection (d) of Section 6 of Act No. 194-2000, as amended, known as the “Bill of Rights and Responsibilities of the Patient”; and subsection (c) of Section 2 of Act No. 296-2000, as amended, known as the “Children and Adolescents Health Conservation Act of Puerto Rico,” in order to conform the definitions provided for the term “Psychologist” in Act No. 194, *supra*, and Act No. 296, *supra*, to the definition provided for such term in Act No. 408-2000, as amended, known as the “Mental Health Code of 2000”; and amend subsection (m) of Section 3, subsection (a) of Section 4, and subsection (d) of Section 6 of Act No. 220-2012, known as the “Act for the Wellbeing, Integration, and Development of Persons with Autism”; Section 2 of Act No. 239-2012, known as the “Act to require all insurance companies to cover the services provided by licensed psychologists who have a Master's or Doctorate degree”: and subsection (d) of Section 1.12 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” to conform it to the rule of law established by the Act that regulates the profession of Psychology in Puerto Rico.

STATEMENT OF MOTIVES

The term “Psychologist” is defined in several ways within our current legislation which causes problems in the interpretation and implementation of the various laws in effect. Act No. 194-2000, known as the “Bill of Rights and Responsibilities of the Patient”; Act No. 296-2000, known as the “Children and Adolescents Health Conservation Act of Puerto Rico”; and Act No. 408-2000, as amended, known as the “Mental Health Code of 2000,” are examples of this problem.

Both Act No. 194, *supra*, and Act No. 296, *supra*, define the term Psychologist as a professional licensed by the Examining Board of Psychologists of Puerto Rico, in line with the definition provided in Act No. 96 of June 4, 1983, as amended, known as “An Act to Regulate the Practice of the Profession of Psychology in Puerto Rico.” However, Act No. 408, *supra*, provides a definition that is more complete and consistent with the duties and responsibilities of licensed psychologists in Puerto Rico.

Act No. 408, *supra*, defines the term “Psychologist” as

the professional licensed by the Psychologists’ Examining Board of the Commonwealth of Puerto Rico, as defined in Act No. 96 of June 4, 1983, as amended, known as “An Act to Regulate the Practice of the Profession of Psychology”, who has the training, knowledge, skills, and experience to offer services which include, but are not limited to: prevention, behavioral description or diagnosis, psychological evaluation, therapeutic intervention to address psychological issues in the several levels of severity, and counseling in connection with the intellectual, emotional, behavioral, interpersonal, familial, social, and occupational functionality of individuals and groups.

On the other hand, Act No. 220-2012, as amended, known as the “Act for the Wellbeing, Integration, and Development of Persons with Autism”; Act No. 239-2012, known as the “Act to require all insurance companies to include, in their coverage, the services provided by licensed psychologists who are qualified on account of having a Master's or Doctoral degree”; and Act No. 20-2017, as amended, known the “Puerto Rico Department of Public Safety Act,” make reference to areas of practice which are not contemplated in Act No. 96, *supra*, when referring to the figure of psychologist or the psychology profession.

Like other jurisdictions in the United States, Act No. 96, *supra*, regulates the practice of psychology in Puerto Rico in general; however, the license issued by the Board of Examiners of Psychologists of Puerto Rico fails to specify the various areas in which the psychology profession may be practiced. The license issued by the Board explicitly requires that all licensed psychologists practice in accordance with their training and skills, and pursuant to the legal provisions and ethical rules that regulate the practice of psychology in Puerto Rico. For such reason, any reference to psychology professionals within our current laws should be consistent with the provisions of Act No. 96, *supra*.

In light of the foregoing, this Legislative Assembly deems it necessary to enact legislation in order to conform the definitions for the term “Psychologist” provided in Act No. 194, *supra*, and Act No. 296, *supra*, to the definition provided for such term in Act No. 408, *supra*. In addition, the provisions of Act No. 220, *supra*, Act No. 239, *supra*, Act No. 239, *supra*, and Act No. 20, *supra*, are hereby conformed to the current regulations applicable to the profession of Psychology in Puerto Rico. We thereby ensure a better interpretation of the statutes which recognize psychology professionals as health care providers in Puerto Rico.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Subsections (n) and (q) of Section 2 of Act No. 194-2000, as amended, are hereby amended to read as follows:

“Section 2.- Definitions.

For the purposes of this Act, the following terms shall have the meaning indicated below:

(a)

(b)

...

(n) “Health Professional”- means any practitioner who, in accordance with

the applicable laws and regulations, is duly admitted to practice any of the professions within the field of health and medical care in Puerto Rico, including, but not limited to, physicians, surgeons, podiatrists, naturopathic physicians, chiropractors, optometrists, psychologists, dentists, pharmacists, nurses, audiologists, and medical technologists as authorized by the corresponding laws of Puerto Rico.

(o)

(p)

(q) “Psychologist”- means the professional licensed by the Psychologists’ Examining Board of the Commonwealth of Puerto Rico, as defined in Act No. 96 of June 4, 1983, as amended, known as ‘An Act to Regulate the Practice of the Profession of Psychology’, who has the training, knowledge, skills, and experience to offer services which include, but are not limited to: prevention, behavioral description or diagnosis, psychological evaluation, therapeutic intervention to address psychological issues in the several levels of severity, and counseling in connection with the intellectual, emotional, behavioral, interpersonal, familial, social, and occupational functionality of individuals and groups.

The license issued by the Board explicitly requires that all licensed psychologists engage in the practice within the scope of their competency and training, and pursuant to the statutory provisions and ethical rules that regulate the practice of psychology in Puerto Rico.

(r) ...

...”

Section 2.- Subsection (d) of Section 6 of Act No. 194-2000, as amended, is hereby amended to read as follows:

“Section 6.- Rights Concerning Plan and Provider Selection.

In what pertains to the selection of health care plans and medical-hospital

service providers, all patients, consumers or users of such plans and services in Puerto Rico are entitled to:

- (a)
- (b)
- (c)

(d) Select and have access to the health services and treatments rendered by podiatrists, chiropractors, optometrists, audiologists, or naturopathic physicians, if their health plan covers any service that is included under the ‘spectrum of practice’ of a licensed podiatrist, chiropractor, naturopathic physician, optometrist, audiologist, and psychologist authorized to practice by the Commonwealth of Puerto Rico.

If the patient’s coverage or plan provides for compensation or reimbursement, the beneficiary and the podiatrist, chiropractor, naturopathic physician, optometrist or psychologist who renders the service shall be entitled to such compensation or reimbursement under equal conditions as other health professionals that provide the same services.

...”

Section 3.- Subsection (c) of Section 2 of Act No. 296-2000, as amended, is hereby amended to read as follows:

“Section 2.- Definitions.

- (a)
- (b)

(c) “Psychologist”- means the professional licensed by the Psychologists’ Examining Board of the Commonwealth of Puerto Rico, as defined in Act No. 96 of June 4, 1983, as amended, known as “An Act to Regulate the Practice of the Profession of Psychology”, who has the training, knowledge, skills, and experience to offer services which include, but are not limited to: prevention, behavioral

description or diagnosis, psychological evaluation, therapeutic intervention to address psychological issues in the several levels of severity, and counseling in connection with the intellectual, emotional, behavioral, interpersonal, familial, social, and occupational functionality of individuals and groups.

The license issued by the Board explicitly requires that all licensed psychologists engage in the practice within the scope of their competency and training, and pursuant to the statutory provisions and ethical rules that regulate the practice of psychology in Puerto Rico.

...”

Section 4.- Subsection (m) of Section 3 of Act No. 220-2012 is hereby amended to read as follows:

“Section 3.- Definitions.

For the purposes of this Act, the following terms shall have the meaning stated below:

a) ...

b) ...

c) ...

...

m) Interdisciplinary team.- Group of service providers composed of three (3) or more health professionals from different disciplines including, but not limited to: one (1) psychiatrist or one (1) psychologist, and one (1) physician, together with the therapeutic service providers, to wit: occupational therapists, physical therapists, speech-language pathologists, case managers, and teachers, who provide broad healthcare services based on the best practices for the diagnosis and treatment of developmental disabilities, and other Autism Spectrum Disorder specialists, as well as the person with Autism Spectrum Disorder and his family. These teams are recognized for the collaborative and consultative approach of all

those professionals involved in the interventions and case discussions, among other things, thus valuing the expertise and contributions made by each profession or discipline, as well as the best practices of each discipline for the benefit of patients and their families. The composition and leadership of this team shall be subject to the scenario or rendered service, as well as the clinical and social needs of the person.

...”

Section 5.- Subsection (a) of Section 4 of Act No. 220-2012 is hereby amended to read as follows:

“Section 4.- Department of Health- Responsibilities.

Through its pediatric centers, which provide services to children and youths with special needs under the age of twenty-one (21), within the Early Intervention Service System, the Department shall be responsible for the identification, diagnosis, intervention, and treatment of minors with an Autism Spectrum Disorder, from birth up to the age of twenty-one (21) years. For such purposes, the Department of Health shall have an interdisciplinary team composed of three (3) or more health professionals from different disciplines including, but not limited to: one (1) psychiatrist or one (1) psychologist, and one (1) physician, along with therapeutic service providers, to wit: occupational therapists, physical therapists, speech-language pathologists, and case managers, among others. These professionals shall use the best evidence-based intervention practices. Each case shall be referred and managed by a Case Manager who shall be responsible for coordinating all the services and referrals for minors with Autism Spectrum Disorder.

...”

Section 6.- Subsection (d) of Section 6 of Act No. 220-2012 is hereby amended d read as follows:

"Section 6.- Types of Intervention.

Interventions for people with Autism Spectrum Disorders shall be performed by providers certified through the Registry of Healthcare Professionals and/or Service Providers, and shall implement the following strategies:

- a.
- b.
- c.
- d. Social Skills

The goal of social skill interventions is to enable the person to understand and act according to their social setting, ensuring their participation in inclusive environments. The objectives of the intervention include, among others, a focus on social initiation, reducing stereotypic and perseverative behaviors, the use of an array of flexible and varied responses, and the management of both new and established skills. People with Autism Spectrum Disorders undergo social development evaluations for the purpose of identifying the areas of need. The evaluation shall be conducted by a licensed psychologist or Social Worker knowledgeable about Autism Spectrum Disorders. Social skills interventions shall be performed by a licensed psychologist or Social Worker trained to work with individuals diagnosed with Autism Spectrum Disorders.

..."

Section 7.- Section 2 of Act No. 239-2012 is hereby amended to read as follows:

“Section 2.- Any person to be hired by any of the companies listed in Section 1 to provide psychological health services shall hold a valid psychologist license and have no record of disciplinary actions taken against him in accordance with the provisions of Act No. 96 of June 4, 1983, as amended, known as ‘An Act to Regulate the Practice of the Profession of Psychology in Puerto Rico.’ Provided,

further, that the following criteria must be met when evaluating the academic and professional credentials of the psychologists that are qualified to provide psychological health services.

...”

Section 8.- Subsection (d) of Section 1.12 of Act No. 20-2017, as amended, is hereby amended to read as follows:

“Section 1.12.- Medical Evaluation Board. General Provisions.

The Department shall have medical advisors to collaborate and provide advice regarding medical and emergency aspects of the officials and components. They shall also provide medical advice with respect to employees in order to establish a public policy on medical help that emphasizes emotional stability and mental wellbeing. This office shall be the work unit in charge of advising the Secretary on the public and administrative policy on the health of the human capital of the Department.

Among the duties and responsibilities of the Medical Evaluation Board are the following:

(a) To evaluate and make recommendations regarding the applications for physical disability retirement filed by the employees of the Department.

(b) To perform medical evaluations on police officers, firefighters, and emergency medical technicians who have been authorized to work by the State Insurance Fund Corporation for the purpose of determining whether they are fit for duty or require some type of accommodation.

(c) To evaluate all candidates for police officer, firefighter, and emergency medical technician to determine their abilities and physical condition. This evaluation may include laboratory tests, x-rays, psychological evaluations, or any other diagnostic method generally accepted by the medical community.

(d) To provide counseling to employees who are victims of violence in the

performance of their duties, are facing domestic abuse, or in a situation that affects their emotional stability, productivity, or ability to perform the duties of their office.

This Board shall be composed of:

- (a) a general practitioner,
- (b) an occupational medical physician,
- (c) a registered nurse,
- (d) a psychologist,
- (e) a social worker, and
- (f) a psychiatrist

In order to achieve the most efficient use of the resources, for each of the positions in the Board, the Secretary shall identify internal resources and, in the absence of personnel that meet the necessary and required qualifications, he shall determine whether to fill such positions with a full-time employee, part-time employee, or through a professional service contract. ”

Section 9.- This Act shall take effect upon its approval.