

(H. B. 1192)

(No. 128)

(Approved October 20, 2009)

AN ACT

To amend subsection (o) of Section 2 of Article IV and to add a new Section 2 to Article VII of Act No. 72 of September 7, 1993, as amended, known as the “Puerto Rico Health Insurance Administration Act,” in order to require all insurers entering into contracts with the Puerto Rico Health Insurance Administration (ASES, Spanish acronym) to file with said public corporation a monthly report that includes detailed statistical data gathered by said insurers.

STATEMENT OF MOTIVES

With the approval of Act No. 72 of September 7, 1993, known as the “Puerto Rico Health Insurance Administration Act” (ASES, Spanish acronym), the Commonwealth of Puerto Rico privatized healthcare services by paying a single premium to one insurer. When insurers were made the mediators between healthcare service providers and patients, the physician-patient relationship was disrupted and the need to oversee insurers became even greater, so as to ensure an efficient and financially viable “managed care” system. In order to secure an overseer, Act No. 72, *supra*, provided that ASES shall “direct insurers and participating purveyors to furnish the information that the Administration deems necessary to follow up on the strict compliance of this Act, to keep a record of the services rendered in categorical programs subsidized by the Federal government as delegated onto the Administration, and document the relationship of their beneficiaries, payment claims, and the pertinent financial and statistical reports.”

Gathering the statistical and actuarial data pursuant to the abovementioned Section allows for an efficient evaluation of the public healthcare system and the responsible formulation of a long-term healthcare plan for the People.

Despite the importance of statistical information on the profile of medically indigent patients, Act No. 72, *supra*, does not contain a precise definition of the statistical reports to be submitted by insurers to the ASES.

At present, Puerto Rico lacks a statistical database on the health of its citizens. It is necessary to secure in the hands of the government and the citizens any information that can contribute to devising a responsible public policy, as well as to require that insurers and hospital institutions periodically submit to the Puerto Rico Health Insurance Administration accurate statistical data gathered by virtue of their participation in the Government's "Health Reform."

Providing for the improvement of the services rendered to citizens is part of the daily endeavors of the Department of Health. Without an actual and effective statistical database, this Department is at a crossroads which requires the establishment of a public policy on the health of our people without knowledge backed by reliable statistics. The present measure seeks to establish minimal indicators to be required by the Puerto Rico Health Insurance Administration as part of the statistical reports that insurance companies shall furnish to said government agency.

Some of the most important indicators are statistical data on children and teenage vaccination; sexually transmitted diseases; prenatal and postnatal care; all kinds of cancer; mental health; drug, nicotine, and alcohol addiction; hypertension; diabetes; and asthma, among others. Furthermore, it is necessary to obtain statistical data on medication dosing in Puerto Rico, access to preventive, outpatient and primary care centers, and the reasons why patients had to visit such healthcare centers, among other data.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.—Subsection (o) of Section 2 of Article IV of Act No. 72 of September 7, 1993, is hereby amended to read as follows:

“The Administration shall be the government body in charge of implementing the provisions of this Act. To such purposes, it shall have the following powers and functions which shall rest on its Board of Directors:

(a) . . .

(b) . . .

(o) Direct the insurers and participating purveyors to furnish the information that the Administration deems necessary pursuant to Article VII, Section 2 of this Act, to keep a record of the services rendered in categorical programs subsidized by the Federal government, and document the relationship of their beneficiaries, payment claims and the pertinent financial and statistical reports. In case of noncompliance, the Administration may resort to the Court of First Instance of Puerto Rico, San Juan Part, to request it to order the delivery of the required information.

(p) . . .”

Section 2.—A new Section 2 is hereby added to Article VII of Act No. 72 of September 7, 1993, as amended, known as the “Puerto Rico Health Insurance Administration Act,” to read as follows:

“Article VII.—Annual and Monthly Reports.—

Section 1.—Statistical Reports.—

Within the ninety (90) days of each fiscal year, the Administration shall submit reports to the Governor and to the Legislative Assembly on its activities, including the following:

- (a) . . .
- (b) . . .
- (c) . . .”

Section 2.—Reports by Insurers.—

Within sixty (60) days after the closing of each fiscal year, all insurers shall submit to the Administration a statistical report on their activities. Once such information has been compiled and analyzed by the Administration, if required, the Administration shall submit such report to the Governor and the Legislative Assembly. Such statistical report shall at least include the following:

- (a) Statistical data on patient access to preventive-outpatient services;
- (b) Statistical data on patient access to primary services;
- (c) Statistical data on patient access to specialized services;
- (d) Statistical data on patient access to emergency rooms;
- (e) Statistical data on volume and services rendered to patients with any kind of cancer;
- (f) Statistical data on volume and services rendered to patients with heart conditions;
- (g) Statistical data on volume and services rendered to patients with hypertension;
- (h) Statistical data on volume and services rendered to patients with asthma;
- (i) Statistical data on volume and services rendered to patients with drug, nicotine or alcohol addiction;
- (j) Statistical data on volume and services rendered to mentally ill patients;
- (k) Statistical data on volume and services rendered to patients with diabetes;

(l) Statistical data on volume and services rendered to patients with sexually transmitted diseases;

(m) Statistical data on volume and services rendered to pregnant women, including an account of their ages and marital status;

(n) Statistical data on volume and services rendered to infants;

(o) Statistical data on the number of births;

(p) Statistical data on vaccination of infants, children, teenagers, and adults;

(q) Statistical data on the kinds of diseases treated the most;

(r) Statistical data on medications, which shall include all prescribed medications and an account of their cost.

Any person or insurer who refuses to provide the information described above, or who refuses to produce any document upon request, shall incur a misdemeanor that shall entail a penalty of not more than one thousand dollars (\$1,000) and not less than one hundred dollars (\$100) or imprisonment for not more than twelve (12) months and not less than one (1) month, or both penalties. The Executive Director of the Administration may resort to the Court of First Instance of Puerto Rico, San Juan Part, in order to compel disclosure of the information thus requested.

(s) Statistical data on volume and services rendered to overweight or obese persons.

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. 128 (H. B. 1192)** of the **2nd Session of the 16th Legislature** of Puerto Rico:

AN ACT to amend subsection (o) of Section 2 of Article IV and to add a new Section 2 to Article VII of Act No. 72 of September 7, 1993, as amended, known as the "Puerto Rico Health Insurance Administration Act," in order to require all insurers entering into contracts with the Puerto Rico Health Insurance Administration (ASES, Spanish acronym) to file with said public corporation a monthly report that includes detailed statistical data gathered by said insurers.

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

In San Juan, Puerto Rico, on the 29th day of June, 2011.

María del Mar Ortiz Rivera, Esq.
Director