

(S. B. 1379)

(No. 172 -2012)

(Approved August 16, 2012)

AN ACT

To amend Section 14.01 of Act No. 408-2000, and Section 16 of Act No. 67-1993, as amended, in order to provide that every healthcare professional shall, subject to the requirements and limitations prescribed by Regulations, complete mandatory continuing education courses on the provisions of Act No. 408-2000, known as the “Mental Health Code of Puerto Rico.”

STATEMENT OF MOTIVES

The Mental Health and Addiction Services Administration (ASSMCA, Spanish acronym) was created by virtue of Act No. 67-1993, as amended, to be attached to the Department of Health. ASSMCA has its own legal personality, the power to sue and be sued, as well as fiscal and administrative autonomy. Its mission includes to promote, preserve, and restore the optimal mental health of the people of Puerto Rico guaranteeing the provision of preventive and rehabilitation services, as well as treatment both in the field of mental health and in the use and abuse of psychoactive substances, and ensuring that such services are accessible, cost effective and of quality, and that the same are offered in an environment of respect and confidentiality thus promoting the wellbeing of our citizens.

To such effect, and as stated in the Act itself, the Mental Health Code of Puerto Rico has the following main objectives and purposes:

to update all treatment, recovery, and rehabilitation needs; to protect any population affected by mental disorders with adequate services for the person; to unequivocally establish their rights to receive mental health services, including minors; to promote the eradication of

prejudices and stigmas against any person who suffers from a mental disorder; to provide specific guidelines to mental health professionals as to the rights of people who receive mental health services; to determine all necessary processes to safeguard the rights provided in this Act; to harmonize all changes undergone by the institutions that provide services with the establishment of the Health Reform; to emphasize and establish the basic principles and levels of care in the services rendered; to highlight the recovery and rehabilitation aspects as integral parts of the treatment, as well as prevention.

In view of the foregoing, it is essential for every healthcare professional who renders or could render mental health-related services to be adequately informed of the provisions of the Mental Health Code of Puerto Rico and of the rights guaranteed thereunder to this sector of our population. For such purpose, Act No. 408-2000 and Act No. 67-1993 are hereby amended to make it mandatory for said healthcare professionals to complete, subject to the frequency and requirements prescribed by regulations, continuing education courses so that they are up to date and attuned to the basic objectives of the law and the appropriate mechanisms to achieve said objectives.

Mental Health problems have always been a cause of great concern for the people, healthcare professionals, and the Government of Puerto Rico. The mental health of our people is a matter of utmost importance that warrants the continuous evaluation of this Legislative Assembly in order to ensure that our laws are in tune with scientific advances and the realities of our way of life. Therefore, this Legislative Assembly deems it meritorious to require healthcare professionals to complete mandatory continuing education courses on the provisions of Act No. 408-2000, as amended, known as the “Mental Health Code of Puerto Rico.”

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 14.01 of Act No. 408-2000, as amended, is hereby amended to read as follows:

“Section 14.01.- Licensure

The Administrator, as authorized by Act No. 67-1993, as amended, known as the ‘Mental Health and Addiction Services Administration Act’ (ASSMCA, Spanish acronym), shall promulgate regulations as are necessary to license, supervise, and keep a public registry of all the institutions and facilities, whether public or private, engaged in the rendering of prevention and treatment services for mental disorders, alcoholism, and drug addiction; to develop and implement prevention and treatment programs; to establish the quality controls of said programs in order to achieve the purposes of this Act; provided, that every healthcare professional working in public or private institutions, and who plans, manages, or coordinates services for mental health patients, as well as the network of direct or indirect mental healthcare service providers including, but not limited to, the provisions of Section 1.05 of this Act, shall complete continuing education courses on the provisions of Act No. 408-2000, as amended, and the Regulations thereunder. The Administrator shall prescribe by regulations the frequency and minimum requirements of the course, taking into account the extent to which a healthcare professional is exposed to patients, as well as the degree of discretion that the healthcare professional must exercise when making decisions that directly affect the population he serves.

The Administration shall have full authority to issue licenses, as established in this Section, which licenses shall be issued through its Licensing Division for the sole purpose of mental health services and facilities. Said license shall be known as the ‘Mental Health Services License.’ The Administrator shall establish through regulations the fees that institutions shall pay when requesting or renewing

the license, according to the categories of profit and non-profit institutions. The regulations adopted to such effect shall provide, among other requirements for license issue and renewal, that the applicant shall describe the mechanisms to implement and comply with this Act, including the certification attesting that every healthcare professional in contact with the population served has completed the required continuing education courses, as well as the indicators used to ensure that said implementation is effective and continuous.”

Section 2.- Section 16 of Act No. 67-1993, as amended, known as the “Mental Health and Addiction Services Administration Act,” is hereby amended to read as follows:

“Section 16.- Licensing of Institutions

The Administrator is the only official who is authorized to issue, deny, renew, or revoke licenses to operate facilities and institutions, whether public or private, engaged in the prevention, non-medicated treatment, and rehabilitation of persons with mental disorders, addiction to or dependence on narcotics, depressant or stimulant substances, including alcohol.

The Administrator is hereby empowered to establish the necessary regulations to issue licenses to said institutions and facilities. The Administrator shall also regulate the operation of said facilities and institutions.

The licenses issued by the Administrator shall be valid for two (2) years. The Administrator shall require that the minimum license requirements are met, or otherwise the license thus issued shall be revoked upon a hearing to such effects. The Administrator shall establish by regulation the costs that the institution requesting the license must pay, establishing categories between profit and nonprofit institutions. The regulations adopted by the Administrator to such effects shall establish, among other requirements for the issue and renewal of licenses, that the applicant shall describe the nature and philosophy of the prevention, treatment,

or rehabilitation program to be used, the accrued experience, if any, any objective data with regard to the program's probability of success, proof of the professional and administrative competence, and the financial competency of the requesting entity and the personnel thereof, including proof of compliance with the continuing education requirement established in Act No. 408-2000, as amended, known as the 'Mental Health Code of Puerto Rico,' a description and capacity of the physical facilities in which it shall operate, the clients to be served, and the assessment and auditing systems available. The Administrator, by himself or through his duly authorized representative shall visit and inspect the facilities and institutions described above at least once every eight (8) months for the purpose of ascertaining that the same are operating in accordance with the provisions of this Act and the rules and regulations promulgated thereunder, as well as the provisions of the license application form.

Among its licensing powers, the Administrator may request the institutions any information and documents that he deems pertinent, and may also inspect its facilities. The Administrator may request the assistance of a court of competent jurisdiction to enforce its powers and prerogatives over these institutions. Provided, however, that the Administrator shall establish an ongoing monitoring of these facilities and institutions to ensure the continuous quality and effectiveness of the services rendered and to protect the best interests of the patients. The Administrator may suspend or revoke said licenses at any time upon hearing to such effects, when he determines that a facility or institution has failed to meet the established quality and effectiveness requirements.”

Section 3.- The Mental Health and Addiction Services Administration shall have ninety (90) days as of the date of approval of this Act to draft and approve regulations on the continuing education frequency and requirements provided for herein, as well as on the requirements for the provider thereof, in case the Administration is unable to allocate the facilities and personnel therefor.

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

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 172-2012 (S. B. 1379)** of the 7th **Regular Session** of the 16th **Legislative Assembly of Puerto Rico**:

AN ACT to amend Section 14.01 of Act No. 408-2000, and Section 16 of Act No. 67-1993, as amended, in order to provide that every healthcare professional shall, subject to the requirements and limitations prescribed by Regulations, complete mandatory continuing education courses on the provisions of Act No. 408-2000, known as the "Mental Health Code of Puerto Rico."

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

In San Juan, Puerto Rico, on this 13th day of December, 2017.

Orlando Pagán-Ramírez
Acting Director