

(S.B. 2214)

**(No. 182)**

(Approved August 6, 2008)

**AN ACT**

To amend Section 16 of Act No. 67 of August 7, 1993, as amended, which creates the “Mental Health and Addiction Services Administration,” in order to require that periodic inspections be conducted at least once (1) every eight (8) months in every facility or institution, whether public or private, engaged in the prevention, non-medicated treatment and rehabilitation of persons with mental disorders, addictions or dependence on narcotics, depressants or stimulating substances, including alcohol.

**STATEMENT OF MOTIVES**

The mental health of our people is a matter of priority for the government, that warrants constant evaluation by the supervisory agencies to ensure that our patients receive quality health services.

In Puerto Rico there are more than 100,000 users of hard drugs such as heroin, cocaine and crack. The social cost of this situation is evinced in crimes associated with this social evil. The consumption of illegal drugs and prescription drugs out of the control of the authorities and of the professionals responsible for their administration, makes it necessary to immediately undertake a serious and responsible task that involves all of us to take preventive actions, taking into account that the disorders related to the use of controlled substances and alcohol are defined as mental disorders, under the scientific classification of mental disorder.

There are harm reduction programs that contribute to mitigate the adverse consequences of controlled substance addiction. Among said

programs are the program implemented by ASSMCA for methadone patients, needle-exchange programs coordinated by community organizations and educational programs on the ways to reduce the risk inherent to drug use such as the safe-injection practice. In spite of the proven success of many of these programs, the experience is that a considerable number of patients admitted to said programs relapses into addiction.

Therefore, it is necessary to continue monitoring these prevention centers periodically as to allow the Government to maintain constant communication with the same. The importance of these centers for the wellbeing of the mental health of the Island should not be subject to evaluation only when it is necessary to comply with bureaucratic accreditation protocols, but rather a continuous exchange between the parties should be maintained. In this manner, better treatments are ensured to the people who suffer the anguish felt by those who suffer from mental disorders and addiction or dependence on narcotic substances, their families and society.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.- Section 16 of Act No. 67 of August 7, 1993, as amended, is hereby amended to read as follows:

“Section .—Licensing of Institutions

The Administrator is the only official who is authorized to issue, deny, renew or revoke licenses for the operation of facilities and institutions, public as well as private, engaged in the prevention, non-medicated treatment, and rehabilitation of persons with mental disorders, addiction 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. He/she shall also regulate the operation of said facilities and institutions.

The licenses granted by the Administration shall be for a term of two (2) years. The Administrator shall require compliance of minimum requirements which if not complied with shall bring about the revoking of the license granted hereby, after a hearing to such effects. The Administrator shall establish the costs that the institution requesting the license must pay, by regulations, establishing categories between profit and non-profit institutions. The regulations adopted by the Administrator to such effects, shall establish among other requirements for the granting and renewal of licenses, that the applicant shall describe the nature and philosophy of the prevention, treatment or rehabilitation program it will use, accrued experience, if any, objective data with regard to the program's probability of success, evidence of the professional administrative and financial competence of the applicant entity and its personnel, a description and capacity of the physical facilities in which it will operate, the clients it will serve, and the evaluating and auditing systems it has in place. The Administrator, by him/herself or through his/her duly authorized representative shall visit and inspect the facilities and institutions described above, at least once (1) every eight (8) months for the purpose of ascertaining that the same are operating pursuant to the provisions of this Act and the rules and regulations promulgated and the provisions of the license application form.

Among its licensing powers, the Administrator may request the institutions any information and documents that he/she deems pertinent, and may also inspect its facilities. The Administrator may request the assistance

of the court of competent jurisdiction to enforce its powers and prerogatives over these institutions. Provided, that the Administrator shall establish an ongoing monitoring of these facilities and institutions to ensure the continued 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, after a hearing to such effects, when he/she determines that a facility or institution has failed to meet the established requirements of quality and effectiveness.”

Section 2.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 182 (S.B. 2214) of the 7<sup>th</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 16 of Act No. 67 of August 7, 1993, as amended, which creates the “Mental Health and Addiction Services Administration,” in order to require that periodic inspections be conducted at least once (1) every eight (8) months in every facility or institution, whether public or private, engaged in the prevention, non-medicated treatment and rehabilitation of persons with mental disorders, addictions or dependence on narcotics, depressants or stimulating substances, including alcohol,

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

In San Juan, Puerto Rico, today 15<sup>th</sup> of July of 2009.

Solange I. De Lahongrais  
Director