

(S. B. 1934)

(No. 255-2011)

(Approved December 16, 2011)

AN ACT

To add a new subsection (g) and renumber the following subsections of Section 4 and amend subsection (d) of Section 5 of Act No. 84 of June 18, 2002, known as the “Code of Ethics for Contractors, Suppliers, and Applicants for Economic Incentives of the Executive Agencies of the Commonwealth of Puerto Rico,” in order to exempt the Curable Catastrophic Illnesses Service Fund attached to the Department of Health, from requiring medical service providers to include a certification in their invoices stating that the officials and employees of the executive agencies do not have any interest whatsoever in the profits or benefits resulting from the contract in question.

STATEMENT OF MOTIVES

Act No. 150 of August 19, 1996, as amended, created the Curable Catastrophic Illnesses Service Fund, attached to the Department of Health. The purpose of the Curable Catastrophic Illnesses Service Fund is to defray, in whole or in part, the costs of diagnosis and treatment of persons who suffer illnesses that, if not timely treated, may be terminal. Science and technology have developed to such an extent that many catastrophic illnesses are now curable with treatment to remedy such condition and which, in many cases, is necessary to save the patient’s life.

Most patients who receive financial aid from the aforementioned Fund need such assistance to obtain treatment for conditions such as cornea, kidney, and liver transplants, among others.

The Curable Catastrophic Illnesses Services Fund requires that hospitals comply with the certification required under Act No. 84 of June 18, 2002. Many of these hospitals are located in the United States and employs collection agencies to bill for their services. The fact that their invoices do not include the certification required by law delays payment processing, which in turn, disrupts the continuation of treatments and the admission of new patients.

The services received by patients under the Fund are medical services that, if not paid within a reasonable period of time, may delay or prevent the admission of new patients whose treatment could save their lives.

In light of the foregoing, this Legislative Assembly deems it convenient to pass legislation to exempt the Curable Catastrophic Illnesses Service Fund from meeting the requirement of submitting the absence of interest certification established in Act No. 84 of June 18, 2002. In this manner, we guarantee that such Fund continues to provide its services to patients that need them urgently.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- A new subsection (g) is hereby added to, and the following subsections are renumbered in Section 4 Act No. 84 of June 18, 2002, known as the “Code of Ethics for Contractors, Suppliers and Applicants for Economic Incentives of the Executive Agencies of the Commonwealth of Puerto Rico,” to read as follows:

“Section 4.- Definitions.-

For the purposes of this Act, the following words and phrases shall have the meaning indicated herein:

(a) ...

...

(g) The Curable Catastrophic Illnesses Service Fund: created under Act No. 50 of August 19, 1996, as amended, attached to the Department of Health.

- (h) ...
- (i) ...
- (j) ...
- (k) ...
- (l) ...
- (m) ...
- (n) ...
- (o) ...
- (p) ...”

Section 2.- Subsection (d) of Section 5 of Act No. 84 of June 18, 2002, known as the “Code of Ethics for Contractors, Suppliers, and Applicants for Economic Incentives of the Executive Agencies of the Commonwealth of Puerto Rico,” is hereby amended to read as follows:

“Section 5.- Ethical Obligations and Responsibilities of contractors, purveyors of goods and services, and members of entities that receive economic incentives from the executive agencies and persons to be affected by regulations promulgated by executive agencies:

(a)

...

(d) Every person shall quote on a basis of fair price for his/her services, considering experience, academic studies, and technical skills; in agreements for the furnishing of goods, the quality of the goods shall be taken into consideration. The person shall have the obligation to perform their work within the established term, guarantee the quality of the services and goods furnished, and charge for his/her services upon presentation of an invoice whose correction shall be certified, that the services were rendered in full or that the goods were delivered within the established term, and that no

compensation has been received for the same. All invoices for the payment of goods and services presented to the executive agencies shall contain the following certification: ‘Under penalty of absolute nullity, I certify that no public servant of the government entity is a party to or has an interest in the profits or benefits that are the product of the contract subject of this invoice, and to be a party to or have an interest in the profits or benefits of resulting from the contract, under this invoice a prior dispensation has been issued. The sole consideration to furnish the contracted goods or services subject of the contract is the payment agreed upon with the authorized representative of the government entity. The amount that appears in the invoice is fair and correct. The work has been performed, the products have been delivered and the services rendered, and no payment has been received for them.’ Provided, that contractors and goods and service providers of the Curable Catastrophic Illnesses Service Fund attached to the Department of Health shall be exempt from complying with the absence of interest certification required under this subsection.”

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. 255-2011 (S. B. 1934)** of the **6th Session of the 16th Legislature** of Puerto Rico:

AN ACT to add a new subsection (g) and renumber the following subsections of Section 4 and amend subsection (d) of Section 5 of Act No. 84 of June 18, 2002, known as the “Code of Ethics for Contractors, Suppliers, and Applicants for Economic Incentives of the Executive Agencies of the Commonwealth of Puerto Rico,” in order to exempt the Curable Catastrophic Illnesses Service Fund attached to the Department of Health, from requiring medical service providers to include a certification in their invoices stating that the officials and employees of the executive agencies do not have any interest whatsoever in the profits or benefits resulting from the contract in question.

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

In San Juan, Puerto Rico, on the 14th day of November, 2012.

María del Mar Ortiz Rivera