

(S. B. 2750)

(No. 482)

(Approved September 23, 2004)

AN ACT

To amend Subsection A of Section 6 of Article VI of Act No. 72 of September 7, 1993, as amended, to establish uniform coverage in all public and private medical-hospital insurance policies for those families in which one or more of its members requires a medically prescribed ventilator for life support.

STATEMENT OF MOTIVES

Article II, Section 20 of the Constitution of the Commonwealth of Puerto Rico establishes “[t]he right of every person to a standard of living adequate for the health and well-being of himself and of his family, and especially to food, clothing, housing and medical care and necessary social services.” This Government responsibility is unavoidable and the surrender of the constitutional role to provide health services to the most needy is not permissible.

Act No. 72 of September 7, 1993, as amended, known as the “Puerto Rico Health Insurance Administration Act,” created the Health Insurance Administration and specifically established among its powers the negotiation and contracting of public and private medical-hospital insurance coverage providers, as defined and established in Article VI of the aforementioned Act.

Section 2 of Article IV of said Act No. 72 of 1993, also provides the task of the Health Insurance Administration of representing the Secretary of the Treasury in all phases that relate to the negotiation of the medical-hospital

insurance contracts of the employees of the Commonwealth of Puerto Rico, established pursuant to Act No. 95 of June 29, 1963, as amended, known as the “Public Employees Health Benefits Act.”

Section 6 of Article VI of Act No. 72 of 1993, cited, which provides that health insurance shall have broad coverage, with a minimum of exclusions is particular importance.

There are numerous medical conditions that may require a person to depend on a ventilator for life support. Those persons who are diagnosed with ailments that entail the use of ventilators for life support as part of their treatment must be connected to such devices twenty-four (24) hours, and need the services of a specialized nurse up to at least sixteen (16) hours daily. There are also the expenses incurred for medications and other equipment, such as continuous feeding machines, oximeters and power generators since these patients would not be able to withstand interruptions in the operations of their medical equipment due to electric power failures.

One of the main problems faced by families in which one or more members suffer a condition that requires the use of a ventilator for life support is that there is no uniform coverage in health care services plans. For such purposes, this Legislature deems it necessary to amend Section 6 of Article VI of Act No. 72 of September 7, 1993, as amended, to establish uniform coverage in all public and private medical-hospital insurance policies for those families in which one or more of its members require a medically prescribed ventilator for life support.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Subsection A of Section 6 of Article VI of Act No. 72 of September 7, 1993, as amended, is hereby amended to read as follows:

“Article VI.-

HEALTH PLAN

...

Section 6.- Coverage and Minimum Benefits.-

...

A. The Administration shall establish a coverage of benefits to be offered by the contracted insurers or participating providers. The coverage shall include, among others, the following benefits: out-patient services, hospitalizations, dental health, mental health, studies, testing and equipment for beneficiaries that require the use of a ventilator for life support, laboratory tests, and X-rays, as well as medically prescribed medications, which shall be dispensed by a participating pharmacy, freely selected by the insured and licensed under the laws of Puerto Rico. The coverage shall provide for each beneficiary to have available the laboratory tests and immunizations appropriate to his/her age, sex and physical condition annually.

...”

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. 482 (S.B. 2750) of the 7th Session of the 14th Legislature of Puerto Rico:

AN ACT to amend Subsection A of Section 6 of Article VI of Act No. 72 of September 7, 1993, as amended, to establish uniform coverage in all public and private medical-hospital insurance policies for those families in which one or more of its members requires a medically prescribed ventilator for life support,

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

In San Juan, Puerto Rico, today 29th of May of 2007.

Francisco J. Domenech
Director