

“Puerto Rico and the Caribbean Cardiovascular Center Corporation Act”

Act No. 51 of June 30, 1986, as amended

(Contains amendments incorporated by:

Act No. 2 of August 21, 1990

Act No. 39 of January 8, 2004

Act No. 63 of August 23, 2005)

To create the Puerto Rico and the Caribbean Cardiovascular Center Corporation; to provide for its organization, powers and functions, and to appropriate funds.

Be it enacted by the Legislature of Puerto Rico:

Section 1. — Title. (24 L.P.R.A. § 343)

This Act shall be known as the "Puerto Rico and the Caribbean Cardiovascular Center Corporation Act".

Section 2. — Creation. (24 L.P.R.A. § 343a)

A public corporation is hereby created which shall be known as the "Puerto Rico and the Caribbean Cardiovascular Center Corporation". Said Corporation shall function as an entity which is independent and separate from any other agency or instrumentality of the Government of the Commonwealth of Puerto Rico, and shall be governed by a Board of Directors.

Section 3. — Purpose, powers and Functions of the Corporation. (24 L.P.R.A. § 343b)

The Puerto Rico and the Caribbean Cardiovascular Center Corporation shall be the body that shall have the responsibility of framing or executing public policy with regard to the planning, organization, operation and administration of the cardiovascular services to be provided in Puerto Rico. It also shall perform, through its Board of Directors, the coordination needed to attain its ends and purposes with the Department of Health, the Medical Sciences Campus of the University of Puerto Rico, the Medical Services Administration and the private sectors involved in providing cardiovascular services in Puerto Rico:

To these ends, it shall have the following powers and functions:

(a) To prepare an annual operating budget proposal.

- (b) To establish the services, units and departments needed for the effective, expeditious, efficient and economical functioning of the Corporation.
- (c) To establish and implement adequate mechanisms to guarantee the quality of the services rendered to the patients and the prompt evaluation and correction of any faults or deficiencies that arise in the rendition of such services.
- (d) To establish and implement appropriate mechanisms for the evaluation of credentials and for the approval, suspension or revocation of privileges to practice in the Corporation's facilities.
- (e) To adopt an official seal.
- (f) To establish its own administrative structure.
- (g) To borrow money from any financing source, including private institutions, as well as from the Government of the Commonwealth of Puerto Rico and the Government of the United States.
- (h) To have complete control and supervision of all the Corporation's equipment and facilities acquired and constructed by the Public Buildings Authority including, without being limited thereto, the power to determine the nature and need of all the expenses and the manner they may be incurred, allowed and paid for.
- (i) To sue and be sued.
- (j) To draft, adopt and amend the rules and regulations needed for its functioning.
- (k) To negotiate and enter into all kinds of contracts, documents and other public instruments with persons, firms, corporations, government agencies and other entities to achieve the purposes of this Act, including the sale of services to private persons or entities, commercial insurance companies, labor unions, prepaid public and private health plans and associations with health plans for health services rendered to them.
- (l) To appoint, contract and designate medical personnel to provide direct treatment to patients in the Center.
- (m) To purchase all materials, supplies, equipment, spare parts and services that are needed, and to dispose of such materials, supplies and spare parts by sale, transfer or other conveyance to other entities, or by destruction or other means the Corporation may deem most convenient when they no longer serve their purpose.
- (n) To enter into agreements, leases, contracts and other necessary instruments with the Department of Health, the Medical Sciences Campus of the University of Puerto Rico and with any other bodies and instrumentalities of the Commonwealth of Puerto Rico.
- (o) To request, receive and accept funds and federal, state or any other type of grants.
- (p) To carry out on its own or by contracting therefor the construction, improvement, extension, expansion or repair works needed by the Corporation to fulfill its objectives or purposes.
- (q) To own, acquire and transfer movable and immovable assets and mortgage or lease any of them with their rights and privileges, within the limits prescribed by law. The faculty to possess movable and immovable assets shall include the right to acquire them by legacy.
- (r) To participate with others in a corporation, partnership, joint venture or association of any transaction, business arrangement or agreement for which the participating corporation is entitled to carry out per se.

Section 4. — Board of Directors. (24 L.P.R.A. § 343c)

The powers of the Puerto Rico and the Caribbean Cardiovascular Center Corporation shall be conferred to and performed by its Board of Directors.

The members of the Board shall be of legal age, residents of Puerto Rico and committed to promote the development in the field of cardiology.

The Board shall be composed of seven (7) members of which the following three (3) shall be ex officio members: the Secretary of Health of Puerto Rico, the Rector of the Medical Sciences Campus of the University of Puerto Rico, and the Executive Director of the Puerto Rico Medical Services Administration.

Of the four remaining members, two (2) shall be: a representative of the Puerto Rican Cardiology Society, and a representative of a nonprofit cardiology foundation which is duly registered in the Department of State of the Commonwealth of Puerto Rico. These four (4) members shall be appointed by the Governor of Puerto Rico; two (2) of which shall be appointed for an initial terms of two (2) years, and the other two (2), for three (3) years. As their initial terms expire, the Governor shall appoint their successors for four (4)-year terms.

In case of a vacancy, resignation, death or removal, the person selected to replace the member who has resigned, died or been removed, shall hold office for the unexpired term of the original member.

The Secretary of Health of Puerto Rico shall be Chairman of the Board, who shall designate a Vice Chairman and a Secretary. The Secretary of the Board shall not necessarily have to be a member of the Board. Four (4) members of the Board shall be the quorum for conducting its affairs and any other matter, and any agreement of the Board shall be made with the concurrent vote of at least four (4) of its members.

It shall be the duty of the Board to designate an Executive Director to whom it shall delegate the needed powers and faculties and who shall be responsible for the operational and administrative phases of the Corporation.

The Board shall appoint a Medical Director who shall be answerable to the Executive Director, except for decisions of a medical nature. The Executive Director and the Medical Director shall submit quarterly and annual reports to the Board concerning the operational, medical and financial status and activities.

Section 5. — Executive Director. (24 L.P.R.A. § 343d)

In addition to the powers and faculties conferred on the Executive Director by this statute, he shall have all the powers, faculties, attributes and rights that the Board of Directors shall delegate on him among which, without being limited thereto, shall be:

- (a) To appoint a Deputy Director. In case of the absence or temporary disability of the Executive Director, the Deputy Director shall take his place and shall exercise all the Executive Director's functions and rights during said absence or disability. In case of the Executive Director's death, resignation or dismissal from office the Deputy Director shall perform all his functions until a successor is appointed.
- (b) To plan, direct and supervise the operations of the Corporation and its programs.
- (c) To delegate to subordinate officials any function or power assigned by this or any other law, except the power to promulgate regulations which cannot be delegated.

Section 6. — Exemptions. (24 L.P.R.A. § 343e)

The Corporation shall be exempted from all types of taxes, duties, imposts or fees, including license fees, imposts or those imposed by the Commonwealth of Puerto Rico or any of its political subdivisions, including all of its operations, movable or immovable properties, capital, income and surplus.

The Corporation is likewise exempted from the payment of all types of rights or imposts required by law for the execution of judicial proceedings, the issuing of certificates in the offices and dependencies of the Government of the Commonwealth and its political subdivisions and the granting of public documents and their registration in any public registry of Puerto Rico.

At the same time, an exemption is granted to the Corporation from the payment corresponding to any sums in excess of those allowed by Act No. 104 of June 29, 1985, as amended [32 L.P.R.A. §§ 3077-3092a], known as the "Commonwealth of Puerto Rico Liability Act".

Section 7. — Transfer of Land. (24 L.P.R.A. § 343f)

Any of the land which was transferred to the Puerto Rico Medical Services Administration by Act No. 66 of June 22, 1978, as amended, which is needed to carry out the purposes of this Act, is hereby transferred to the Corporation.

Section 8. — Working Plan and Construction. (24 L.P.R.A. § 343g)

The final working plan and the construction of the building that shall house the Puerto Rico and the Caribbean Cardiovascular Center Corporation shall rest upon the Public Buildings Authority, which shall charge a reasonable rent for the use thereof once it is finished and turned over to the Board of Directors. This rent shall help to amortize the debt for a period of thirty (30) years.

The equipment needed for the operation of the Puerto Rico Cardiovascular Center shall be acquired by the Public Buildings Authority.

Section 9. — Budget. (24 L.P.R.A. § 343h)

The Board of Directors of the Puerto Rico and the Caribbean Cardiovascular Corporation shall submit an operating expenses and capital investments budget to the Legislature, through the Office of the Governor, which should contain a statement of estimated income and a disbursement program based on a working plan and the services to be rendered by the Corporation.

The Corporation's Board of Directors shall establish the fiscal, budgetary and cost controls needed to keep the budget within the limits of its estimated income so as to keep from incurring shortfalls.

Section 10. — Reports. (24 L.P.R.A. § 343i)

The Executive Director of the Cardiovascular Corporation Center of Puerto Rico and the Caribbean shall render a biannual report to the Board of Directors which, in turn, shall remit a copy to the Governor or to the official delegated by him, on the work performed. Additionally, a copy of said biannual report shall be remitted to the Legislature, and a copy of this report shall be specifically remitted to each of the Commissions of Social Welfare and of Health, of the House of Representatives as well as of the Senate of the Commonwealth of Puerto Rico.

Section 11. — Exclusions; Regulations. (24 L.P.R.A. § 343j)

The Corporation shall be excluded from the provisions of Act No. 5 of October 14, 1975, known as the "Puerto Rico Public Service Personnel Act", as well as from the provisions of the Purchasing and Supply Act of the Commonwealth of Puerto Rico, and all the regulations promulgated by virtue thereof.

It shall, nevertheless, approve General Regulations to implement the provisions of this Act within ninety (90) days immediately after its effective date. It shall also approve Personnel Regulations and Purchasing Regulations within the same term.

Section 12. — Bonds. (24 L.P.R.A. § 343k)

(a) The Puerto Rico and the Caribbean Cardiovascular Center Corporation is hereby empowered to issue bonds at any one time or from time to time for the purposes of this Act. The bonds of each issue shall bear the date, shall mature in a term or terms that shall not exceed forty (40) years from their respective dates and shall accrue interest at a rate that shall not exceed the maximum interest rates established by law for the sale of bonds of the Commonwealth of Puerto Rico as determined by the Corporation, and may be redeemed before maturity at the Corporation's option at such price or prices and under such terms and conditions that may be determined by the Corporation prior to the bond issue. The Corporation shall determine the form and manner of executing the bonds and the place or places where the interest thereon shall be paid. When a bond or coupon bears a signature or a facsimile, it shall, nevertheless, be valid and sufficient, and deemed for all purposes as if the official had remained in office until said delivery. Regardless of any other provision of this Act, or the language on any bonds issued pursuant to the provisions hereunder, such bonds shall be deemed as negotiable instruments under the laws of the Commonwealth of Puerto Rico. The bonds may be issued as coupon bonds or registered bonds or both, as determined by the Corporation, and the registration of any coupon bonds may be provided with regard to principal and interest. The Corporation may sell such bonds in such a way, in public or private sale and for the price or prices which are not less than the percentage of their par value established by law for the sale of Commonwealth of Puerto Rico bonds which the Corporation deems most convenient for its interests. The yield of each bond issue shall be used exclusively for the purpose for which said bonds were authorized and shall be disbursed in such a form and under such restrictions, if any, that the Corporation may provide in the resolution authorizing said bond issue or in the trust agreement securing the bonds.

The resolution providing for the bond issue and any trust agreement to secure them may contain such limitations with regard to the bond issue as the Corporation may determine. Prior to the preparation of the definite bonds, the Corporation may issue interim receipts or temporary bonds, with or without coupons, that can be exchanged for the definite bonds when it has completed their preparation. The Corporation may provide for the replacement of any bonds that are mutilated, destroyed or lost.

(b) The bonds issued pursuant to the provisions of this Act may be secured at the Corporation's discretion by a trust agreement between the Corporation and a corporate trustee which may be any trust company or bank that has the powers of a trust company within or without the Commonwealth of Puerto Rico. The resolution authorizing the bond issue or trust agreement may pledge all or any part of the Corporation's credits or other income, and may provide for the Corporation's property to be mortgaged to secure the payment of the principal and interest of such bonds, and may include such other provisions for the protection and exercise of the rights and remedies of the bondholders, and any other provisions that the Corporation finds are reasonable and proper.

(c) All the bonds issued pursuant to the provisions of this Act and the interest accrued thereby shall be exempted from taxes at all times.

Section 13. — Appropriation of Funds. (24 L.P.R.A. § 343 note)

The sum of five hundred thousand (500,000) dollars is hereby appropriated from unencumbered funds in the Commonwealth Treasury to the Puerto Rico and the Caribbean Cardiovascular Center as initial working capital to carry out its purposes and functions. The funds needed in subsequent years to carry out the purposes of this act shall be consigned in the General Expense Budget of the Government of Puerto Rico.

These funds may be matched with other available resources in the state government of any municipal government, or any other grant of the government of the United States or with private donations.

Section 14. — Effectiveness.

This act shall take effect immediately after its approval.

Note. This compilation was prepared by the Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.