

“Medical Emergency Corps of the Commonwealth of Puerto Rico”

Act No. 539 of September 30, 2004, as amended

(Amendments non-incorporated:
Act No. 4 of February 9, 2011
Act No. 24 of February 25, 2011)

To create the “Medical Emergency Corps of the Commonwealth of Puerto Rico,” to be attached to the Department of Health of the Commonwealth of Puerto Rico and to have fiscal and administrative authority; to provide for its organization, purposes, duties, functions, and powers; to create the Special Fund of the Medical Emergency Corps; to establish penalties for noncompliance therewith; to repeal Act No. 114 of September 6, 1997; and to repeal Article V of Reorganization Plan No. 2 of December 9, 1993.

STATEMENT OF MOTIVES

The Government of the Commonwealth of Puerto Rico has always held watching over the health and social well-being of the People among its priorities. For this reason, the Legislature holds as a public policy and has recognized that the health of our people deserves and should be a top priority in the efforts of our government.

We constantly seek alternatives to foster equality in terms of health services, healthy lifestyles, an adequate medical care, the development of personal abilities for people to manage their health, and the strengthening of community actions. Thusly, it is understood that health is a rather important element in the development of our people. It is therefore necessary to establish mechanisms to maintain a healthy environment in which there is swift response to their claim for medical attention.

For many years, a medical emergency system geared toward safeguarding the lives of citizens has been under development in Puerto Rico. Several years ago, in order to successfully establish an adequate program, the Office of the Assistant Medical Emergency Secretary was created, which Office was later transferred to the Puerto Rico Firefighter Corps. Subsequently, for fiscal year 1997-98, through Act No. 114 of September 6, 1997, the Medical Emergency Program of the Puerto Rico Firefighter Corps was transferred to the Public Safety and Public Protection Commission, which was created by Reorganization Plan No. 2 of December 9, 1993, as amended, under the name of Medical Emergency Corps.

In view of the changes sustained by the Puerto Rico Medical Emergency Corps, it is necessary to seek alternatives in order for said agency, which has fiscal, administrative and operational autonomy, to operate in conformance with the public policy implemented by the Government of the Commonwealth of Puerto Rico.

The Department of Health is the agency responsible for devising and implementing the constitutional and legal mandate of tending to and work on all matters relative to health. It

therefore ensues that the next logical and convenient step is to integrate efforts to address the rendering of pre-hospital care services, as well as the transportation to a medical hospital or first aid facility, and that enforcing the constitutional and legal mandate of tending to and work on all matters relative to health fall on the Department of Health itself.

The Legislature believes in the integration into the Department of Health of the resources of the Government of the Commonwealth of Puerto Rico which have been appropriated in order to guarantee for the citizens in general the best quality in service when unforeseeable a health condition calls for pre-hospital medical care and transportation to an adequate medical hospital facility or a first aid facility in order to preserve health or to reduce the possibility of permanent disability or damage that could arise as a consequence of an illness or an accident. These activities are grouped in order to achieve greater efficiency, economy and equity in the rendering of pre-hospital care services and transportation to a medical hospital or first aid facility. For these purposes, the Medical Emergency Corps of Puerto Rico is hereby created, to be attached to the Department of Health.

Be it enacted by the Legislature of Puerto Rico :

Section 1. — Short Title. — (24 L.P.R.A. § 3671 note)

This Act shall be known as the “Medical Emergency Corps of the Commonwealth of Puerto Rico Act.”

Section 2. — Public Policy. — (24 L.P.R.A. § 3671 note)

The Secretary of Health shall be responsible for the full compliance of the public policy set forth in this Act in order to comprehensively and efficiently address all matters related to the medical emergency system in Puerto Rico. The Medical Emergency Corps shall be the agency responsible for conducting the programs of the Government of the Commonwealth of Puerto Rico that are geared toward achieving compliance with said public policy by virtue of a system which guarantees top-quality services when the health condition of citizens calls for pre-hospital medical care, as well as ground, air or sea transportation to an adequate medical hospital or first aid facility to preserve health or to reduce the possibility of permanent damage or disability that could arise as a consequence of an illness or accident.

Section 3. — Definitions. — (24 L.P.R.A. § 3671)

The following words and terms, whenever used or referred to in this Act, shall have the meaning set forth below unless the context clearly indicates otherwise. Statements in the present tense also include the future, and those made in the masculine gender include the feminine gender, except in those cases in which such an interpretation would render the text absurd.

The singular includes the plural and the plural includes the singular.

1. “Medical Emergency Corps” – Means the Medical Emergency Corps of the Commonwealth of Puerto Rico.
2. “Director” – Means the Executive Director of the Medical Emergency Corps of the Commonwealth of Puerto Rico.

3. “Department” – Means the Department of Health of the Commonwealth of Puerto Rico.
4. “Medical emergency” – Means an unforeseeable health condition which calls for medical assistance or pre-hospital medical care and transportation to an adequate medical hospital or first aid facility to preserve health or reduce the possibility of permanent damage or disability which may arise as a consequence of an illness or an accident.
5. “Health facilities” – Means those facilities identified and defined as such by Act No. 101 of June 26, 1965, as amended, known as the “Puerto Rico Facilities Act,” or by the provisions of any future legislation on this matter.
6. “Person” – Means any natural person.
7. “Police” – Means the Puerto Rico Police.
8. “Health professional” – Means any practitioner who is duly admitted, in the Commonwealth of Puerto Rico and pursuant to the applicable laws and regulations, to practice any of the professions within the field of health and medical care, including but not limited to surgeons, dentists, pharmacists, nurses and medical technologists as authorized by the corresponding laws of Puerto Rico.
9. “Provider” – Means any person or entity authorized by the laws of Puerto Rico to render or provide medical hospital health care services in the Commonwealth of Puerto Rico.
10. “Secretary” – Means the Secretary of Health of the Department of Health of the Commonwealth of Puerto Rico.
11. “Medical Emergency Technician” – Means a person authorized by the Secretary of Health and trained in the various phases of medical emergency technology, including but not limited to communications, emergency care for patients, maintenance of work equipment, emergency room techniques and procedures, patient handling and transportation, knowledge about procedures used in obstetrics, and assistance in respiratory and cardiac emergencies.
12. “Medical Emergency Technician – Paramedic (M.E.T. - P)” – Means the professional authorized by the Secretary of Health who has satisfactorily completed a medical emergency technician course for paramedics.
13. “Medical Emergency Technician – Basic” – Means the professional authorized by the Secretary of Health who has satisfactorily completed a basic medical emergency technician course.

Section 4. — Creation of the Medical Emergency Corps. — (24 L.P.R.A. § 3672)

The “Medical Emergency Corps” of the Commonwealth of Puerto Rico is hereby created, to be attached to the Department of Health, to be fiscally and administratively independent. The Medical Emergency Corps of Puerto Rico shall be responsible for guaranteeing for citizens in general a top quality service when unforeseeable a health condition calls for pre-hospital medical care and transportation to an adequate medical hospital or a first aid facility in order to preserve health or to reduce the possibility of permanent damage or disability that could arise as a consequence of an illness or an accident.

Section 5. — Transfer from the Medical Emergency Corps. — (24 L.P.R.A. § 3673)

The Police Superintendent is hereby authorized and directed to take administrative measures as needed to transfer to the Medical Emergency Corps created by this Act, all the personnel;

personal, real and intellectual property; programs; unused items from appropriations; or Commonwealth, federal or other funds corresponding to the Medical Emergency Corps of Puerto Rico. The funds needed for the continuation of the services rendered by the Medical Emergency Corps shall be appropriated under the General Expenses Budget of the Government of the Commonwealth of Puerto Rico. The employees thus transferred by virtue of this Act shall continue to hold all the rights, obligations, benefits, conditions, and situations, including seniority, which they held at the time of approval of this Act and pursuant to those laws or regulations in effect at the time of approval of this Act which govern the entity for which they work, with respect to employment or reemployment in the Government service. Likewise, if any employees are beneficiaries of any pension, retirement, or savings and loan fund system or systems, shall continue to hold the rights, privileges, obligations and status regarding pension, retirement, or savings and loan fund, as prescribed by law for Public Safety Commission personnel. Labor-management relations in the Medical Emergency Corps shall be governed by the provisions of Act No. 45 of February 25, 1998, as amended, known as the “Public Service Labor Relations Act.”

Section 6. — Authorities, Powers, Responsibilities of the Medical Emergency Corps. — (24 L.P.R.A. § 3673)

The Medical Emergency Corps shall have the powers that are necessary and convenient to meet the purposes and comply with the provisions of this Act, including but not limited to the following:

- a) Adopt, alter and use the official seal of the Medical Emergency Corps of Puerto Rico.
- b) Lease or sublet personal and real property for its own use.
- c) Enter into compacts and agreements with departments, agencies, corporations, entities and municipalities of the Commonwealth of Puerto Rico, of the various states of the Union, and of the Government of the United States, as well as with private institutions, whether nonprofit or for profit, when it is determined that the same are necessary to meet the objectives of this Act.
- d) Procure, accept and receive from any source, donations or assistance such as money, property or services pursuant to applicable laws and regulations.
- e) The Medical Emergency Corps shall have the authority to generate its own resources and to collect from third parties for services rendered. Moneys thus collected shall be covered into the Medical Emergency Corps Fund in compensation for operational costs incurred. Funds collected under this provision shall be used pursuant to the priorities established by the Executive Director to supplement compensation for the personnel or to improve the services and facilities of the Medical Emergency Corps.

Section 7. — Authorities, Powers, Responsibilities of the Secretary. — (24 L.P.R.A. § 3674)

Under this Act, the Secretary shall have the following functions and powers:

- a) To advise the Governor of the Commonwealth of Puerto Rico and the Legislature when formulating and implementing the public policy relative to a medical emergency system in Puerto Rico.

- b) To coordinate with the Executive Director in terms of the assignment of personnel from the Department of Health to the Medical Emergency Corps and vice versa on the basis of criteria which propitiate the most efficient use of human resources, without affecting the functions entrusted by law to the Medical Emergency Corps.
- c) To approve and promulgate jointly with the Executive Director the regulations that are to govern medical emergency services in Puerto Rico and ensure compliance therewith.

Section 8. — Executive Director Organization. — (24 L.P.R.A. § 3675)

The Medical Emergency Corps of Puerto Rico shall be directed by the Executive Director, who shall be appointed by the Governor of the Commonwealth of Puerto Rico with the advice and consent of the Senate of Puerto Rico. The Executive Director shall hold office until his/her successor is designated. Compensation for the office of Executive Director shall be set by the Governor, taking into account that which is established for similar offices in the Government of the Commonwealth of Puerto Rico. The Executive Director shall be a medical doctor specialized in Emergency Medicine and shall be knowledgeable and have skills in administration as well as in all matters relative to the quality of medical and paramedical services that are to be rendered.

The Executive Director shall determine the operational organization of the Medical Emergency Corps by regulation and establish the chain of command in the case of absence, disability or death. The Medical Emergency Corps shall be deemed to be an Individual Administrator pursuant to the provisions of Act No. 5 of October 14, 1975, as amended, known as the “Puerto Rico Public Service Personnel Act.”

The Executive Director shall have the following authorities, attributions and duties:

- a) To oversee and ascertain compliance with due process of law in all matters relative to the regulation and adjudication in the Medical Emergency Corps.
- b) To adopt by regulation the organization and administration of the Medical Emergency Corps, as well as the obligations, responsibilities and conduct of his/her employees, and any other matter necessary and convenient to meet the ends and objectives of this Act.
- c) To adopt, pursuant to the norms and regulations established by the Central Labor Advisory and Human Resource Administration Office, those rules and procedures as necessary for the administration of Medical Emergency Corps personnel, including all matters relative to admission requirements, appointments, transfers, working hours, specific norms for compensation, disciplinary measures, leave, and specific norms for promoting employees.
- d) To conduct investigations and examinations as necessary as to the actions of any Corps employee or as to the manner in which matters relative to the rendering of services are being administered in any region.
- e) To keep a register in which all emergencies tended to shall be recorded, as well as the facts relative to said emergencies, including statistics on the extent of said emergencies. Said register shall be replenished with the reports rendered by the officials in charge of each region. The aforementioned reports shall be public documents, except for those regulated under the Health Insurance Portability and Accountability Act (HIPAA) (Public Law 104-191).
- f) To conduct investigations as necessary to determine the cause or origin of the emergencies, as well as to prepare the corresponding reports

on these cases without impairing the authorities held by the Puerto Rico Police and the Department of Justice to conduct investigations.

g) To be in charge of the management and have absolute domain over medical emergency cases throughout the Island, while the emergency persists. If the medical emergency occurs within a municipality which provides municipal medical emergency services, the Executive Director shall coordinate with the Medical Emergency Director of said Municipality in terms of the management of said emergency.

h) To render to the Governor of the Commonwealth of Puerto Rico and the Legislature, not later than January 31 of each year, a report which shall contain all activities carried out by the Corps during the preceding calendar year, together with the corresponding statistics.

i) To solicit and receive donations in money and personal property from the federal government or from any natural person, public or private entity, whether in trust or in property, or otherwise. Provided, that these donations are to be used exclusively to meet the objectives of this Act. When dealing with money or any other financial aid, the funds thus received shall be deposited into the Special Fund created under this Act.

j) To solicit and obtain technical services from any officials and employees of the Government of the Commonwealth of Puerto Rico which, in his/her judgment, are necessary to attain the purposes of this Act, after so authorized by the head of the agency concerned, after the employee's working hours and without being subject to the provisions of Section 177 of the Political Code of 1902. He/she may also request from government agencies and these may authorize the assignment of public employees in said agency in order to attain the purposes of this Act.

k) To collaborate with and advise those persons who so request in the preparation of emergency plans and in the execution of drill exercises set by these plans.

l) To contract, pursuant to the applicable laws and regulations, the technical and professional services he/she deems necessary to attain the purposes of this Act.

m) To enter into and execute, pursuant to applicable laws and regulations, those agreements, leases, contracts and other instruments as necessary or pertinent to discharge his/her powers and duties.

n) To adopt rules and procedures to duly guarantee adequate safety conditions, discharge means, and for preventing medical emergencies in sports and recreational locations, industries, commercial establishments, schools, hotels, hospitals, and in buildings destined for exhibits, assemblies or public performances, multilevel buildings for commercial use, as well as common areas in multilevel buildings for residential use, public thoroughfares, as well as any other building, structure or land plot for a use other than residential.

o) To appear in court only through the Secretary of Justice to file suit as appropriate under the corresponding laws and regulations.

p) To ensure that insurance plans are billed for medical emergency services rendered within the territory of the Commonwealth of Puerto Rico and its possessions.

q) To adopt rules and procedures as needed for the implementation of preceding subsection p.

r) To prepare and administer the budget of the Corps and the funds which are allocated to or entrusted for administration by the Corps under any local or federal laws or from any other source. He/she shall establish an accounting system based on the provisions of the “Government of Puerto Rico Accounting Act,” Act No. 230 of July 23, 1974, as amended, which governs the accounting, administration and disbursement of public funds.

- s) To exercise the his/her appointing authority, under which he/she shall be able to appoint, contract, transfer, remove, and assign responsibilities and confer authorities onto the personnel of the Corps, based on criteria which propitiate the most efficient use of all resources.
- t) To delegate to his/her subordinates those authorities, powers, duties and responsibilities which he/she deems convenient in order to expedite administrative processing and the rendering of services.
- u) To formulate and submit the budget petition to the Office of Management and Budget of the Commonwealth of Puerto Rico.
- v) To gather and process statistical data and to render reports as required by the Secretary of Health.
- w) To contract personnel from other departments and agencies, instrumentalities, public corporations and municipalities outside their regular work hours when said personnel is indispensable for the operativity of the Medical Emergency Corps and its programs, after the head of the corresponding government entity has so authorized.

In terms of contracting technical and specialized personnel from other agencies, the Executive Director shall conduct efforts with the Central Labor Advisory and Human Resources Office and shall provide a written record of the efforts in which he/she has engaged to recruit the necessary personnel for the Medical Emergency Corps programs and the impossibility of recruiting personnel outside of government agencies.

Section 9. — Bylaws. — (24 L.P.R.A. § 3676)

The Executive Director is hereby directed to adopt bylaws as necessary for the internal operation of the Medical Emergency Corps and for the implementation of the provisions of this Act.

Bylaws approved by the Executive Director under this Act must comply with the provisions of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico.”

Section 10. — Responsibilities. — (24 L.P.R.A. § 3677)

The Executive Director, his/her representatives, administrators, persons in charge or occupying land plots, buildings or structures subject to the provisions of this Act or the regulations or orders, resolutions or decisions issued thereunder, shall be responsible for enforcing and complying with the provisions of this Act and its regulations or with the orders, resolutions or decisions of the Executive Director, respectively.

Section 11.—Car Fleet. — (24 L.P.R.A. § 3678)

The Executive Director is hereby empowered to administer the car fleet of the agency. He/she shall be fully responsible for buying, maintaining and repairing the car fleet of the agency. He/she may also organize repair shops or contract with private shops for the maintenance and repair of the units in service and of all those acquired in the future. The Executive Director shall adopt the regulations that have been established for these purposes by the General Services

Administration of the Commonwealth of Puerto Rico and shall be strictly governed by the fiscal norms of the Department of the Treasury.

The Medical Emergency Corps is hereby exempted from the provisions of Act No. 164 of June 23, 1974, as amended, the General Services Administration Organic Act, in matters relative to procurement procedures, subject to the development and implementation of the corresponding regulations and procedures.

Section 12. — Uniform and Equipment. — (24 L.P.R.A. § 3679)

The Executive Director shall determine by regulation the clothing and insignias that are to constitute the official uniform of the Medical Emergency Corps of Puerto Rico. All articles of clothing and the uniform and equipment prescribed shall be supplied to the members of the Corps at the expense of the Government. Provided, that the uniform shall be understood to be the jacket, shirt, tie, pants, socks, boots, shoes, cap, cape, safety helmet, gloves and insignias which Corps members are under the obligation to wear pursuant to regulations and according to the work they are to perform. Appropriations for the purchase of uniforms and equipment shall be consigned annually in the budget of the agency.

It is hereby prohibited to use the uniform or a combination of the aforementioned articles of clothing by any person who is not a member of the Medical Emergency Corps of Puerto Rico. Any person who violates the prohibition provided herein shall be guilty of a misdemeanor, and upon conviction, shall be punished by imprisonment for a term of not less than thirty (30) days nor greater than six (6) months or by a fine of not less than three hundred (300) dollars nor greater than five hundred (500) dollars, or by both penalties, at the discretion of the court.

Section 13. — Funds. — (24 L.P.R.A. § 3680)

Funds received by the Medical Emergency Corps of Puerto Rico under this Act shall be deposited in a special account to be known as the “Special Fund of the Medical Emergency Corps of Puerto Rico.” Said Fund shall be established by the Secretary of the Department of the Treasury of the Commonwealth of Puerto Rico, in favor of the Executive Director, who shall use the same to comply with the objectives of this Act.

Section 14. — Effectiveness of Agreements Compacts and Others. — (24 L.P.R.A. § 3681)

No provision of this Act shall be construed to modify, alters or invalidates any agreement, compact or claim in effect as of the date of approval of this Act and during the transfer period.

Section 15. — Severability. — (24 L.P.R.A. § 3671 note)

The provisions of this Act are severable, and if any word or phrase, sentence, subsection, section or portion of this Act were to be challenged for any reason before a Court and found to be unconstitutional or null, such a Judgment shall not impair the remaining provisions thereof.

Section 16. — Repeal. — (24 L.P.R.A. § 3671 note)

By virtue of this legislation, Act No. 114 of September 6, 1997, and Article V of Reorganization Plan No. 2 of December 9, 1993, are repealed.

Section 17. — 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.