

“Advocate's Office Reorganization Plan”

Reorganization Plan No. 1 of June 22, 2011

To create the Office of the Healthcare Advocate; the Advocate’s Office for Pensioners and the Elderly; the Advocate’s Office for Persons with Disabilities; the Office of the Veterans’ Advocate, as well as the Advocate Office Administration (“AOA”), as the advocacies administrative component; to repeal Act No. 2 of September 27, 1985, as amended; to repeal Act No. 57 of June 27, 1987, as amended; to repeal Act No. 11 of April 11, 2001, as amended; and to repeal Act No. 203 of August 7, 2004; to amend Act No. 203 of December 14, 2007, as amended; and for other related purposes.

CHAPTER I. — INITIAL PROVISIONS

Section 1. — Title of this Plan. —

This Plan shall be known as the “Advocate's Offices Reorganization Plan.”

Section 2. — Statement of Public Policy. —

This Reorganization Plan hereby proposes the creation of the Office of the Healthcare Advocate; the Advocate’s Office for Pensioners and the Elderly; the Office of the Veterans’ Advocate; the Advocate’s Office for Persons with Disabilities, as well as the Advocate Office Administration that shall be the body under which all the administrative powers, functions, and duties of the abovementioned advocates’ offices shall be consolidated. Said Office shall have the responsibility of providing administrative services to the Advocates’ Offices and promoting an organizational structure of the Advocates’ Offices that enables them to provide effective and excellent services to the people, by employing their resources in an efficient and integrated manner.

The creation of the AOA shall promote the efficient use of limited government resources, guaranteeing a better coordination, oversight, coherence, and effectiveness of the efforts of each Advocate. With this change, we seek to integrate finances, human resources, procurement, information technology, filing of complaint, processing and notice, and other offices rendering similar services in each Advocate’s Office. All this, to safeguard the particular responsibility of each Advocate’s Office and to protect their clientele and their independent judgment. Consequently, each Advocate shall be able to focus his/her knowledge and expertise to directly address the issues that afflict the population represented by him/her—by freeing the time devoted mostly to administrative issues— to directly impact the services rendered by them. These changes shall generate savings in terms of proceedings and the budget which shall result in more and better resources so as to provide direct services to the people.

This Plan creates the Office of the Healthcare Advocate as the body in the Executive Branch responsible for addressing and finding solutions to the problems, needs, and claims of the patients of the Health Reform, Medicare, and Medicaid, who receive medical-hospital services from health services providers and from the State Insurance Fund Corporation, the Automobile Accidents Compensation Administration, and any other public or private body, or health service provider contracted by them, that receives or administers funds of the Government of Puerto Rico and the Government of the United States of America to provide health services. In addition, the Office of the Healthcare Advocate shall oversee compliance with the Bill of Rights and Responsibilities of the Patient established by Act No. 194 of August 25, 2000, as amended.

Furthermore, the Advocate’s Office for Pensioners and the Elderly shall be charged with the responsibility of addressing and finding solutions for the problems, needs, and claims of every pensioner, participant and/or beneficiary of the different government retirement systems, as well as of the elderly in areas such as education, financial planning, health, employment, civil and political rights, social, labor, and tax legislation, housing, transportation, recreation, culture, and other entrusted to it by the AOA. Said Office shall be the body in charge of overseeing the implementation and enforcement by agencies and private entities of the public policy set forth in Act No. 121 of July 12, 1986, as amended, better known as the “Bill of Rights for Aged Persons,” and any legislation that conforms to the public policy established by virtue of Public Law No. 89-73 of July 14, 1965, as amended, known as the “Older Americans Act of 1965,” with regard to that sector of the population.

This Plan also has the purpose of creating the Office of the Veterans’ Advocate as the body of the Executive Branch entrusted with, among other functions as provided in this Plan, the responsibility of handling and investigating the claims and protecting the rights of veterans in Puerto Rico. Said Office shall be the body in charge of overseeing the implementation and enforcement by agencies and private entities of the public policy set forth in Act No. 203 of December 14, 2007, as amended, better known as the “Bill of Rights of the Puerto Rican Veteran for the 21st Century.” In addition, the Office of the Veterans’ Advocate shall have the duty to establish and implement a program to provide assistance, orientation, and advice to veterans on their rights and those of their families; and to coordinate services needed by them with the corresponding agencies.

Additionally, this Plan has the purpose of creating the Advocate’s Office for Persons with Disabilities, as the body of the Executive Branch entrusted with, among other functions as provided in this Plan, the responsibility of addressing and investigating the claims of persons with disabilities in areas such as education, health, employment, freedom of enterprise, civil and political rights, social, labor, and tax laws, housing, transportation, recreation, environmental protection and culture, among others. The Advocate’s Office for Persons with Disabilities shall have the duty to establish and operate a program to provide orientation and advice for the protection of persons with disabilities. Also, this Office shall foster the integration of persons with physical, mental, and sensory impairments in programs for the conservation, education, and preservation of the environment instituted in the agencies and instrumentalities of the Government of Puerto Rico.

The public policy of this Administration is to strengthen and broaden the powers, functions, and duties of the Advocates’ Offices to oversee, educate, coordinate services, and defend the rights of the populations represented by them, thus emphasizing on the responsibilities of the

corresponding agencies and entities to provide direct, fair, and quality services to the abovementioned populations with the respect they deserve.

Lastly, an Advisory Council is hereby created for each Advocate’s Office. Said Councils shall have the power and duty to advise every Advocate and the Administrator with regard to the development of strategies, planning, and adoption of policies for the protection of the different sector of the population serviced by them, among other matters.

Section 3. — Definitions. —

For the purposes of this Plan, the following terms shall have the meanings stated below:

- (a) *Administrator*: the Administrator of the Advocate Office Administration.
- (b) *Agency*: Any entity, department, secretariat, board, commission, division, bureau, office, public or quasi-public corporation, institution, government instrumentality of the Executive Branch and the municipalities of Puerto Rico, and any official, employee or member of said branch or of the municipalities when discharging his/her official duties, except:
 - 1. The Office of the Governor;
 - 2. Property Registrars in all that pertains to their qualifying functions.
 - 3. The University of Puerto Rico in all that pertains to its teaching duties; and
 - 4. The Secretary of State when performing his/her duties as Deputy Governor and other functions as Acting Governor.
- (c) *Insurer*: any person or entity that assumes a contractual risk in consideration of or in exchange for payment of a premium and duly authorized by the Insurance Commissioner to do business as such in Puerto Rico.
- (d) *Beneficiary*: any person that receives any pension or benefit from the different public and/or private retirement systems or the Social Security Administration.
- (e) *Advisor(s)*: member(s) of the Advisory Council of each Advocate Office.
- (f) *Advisory Council*: the Advisory Council of each Advocate’s Office created by this Plan.
- (g) *Insuring Entity*: a health services organization authorized pursuant to Chapter XIX of the Insurance Code of Puerto Rico, or an insurer authorized to underwrite insurance as defined in Section 4.030 of said Code, as well as any nonprofit mutual aid or assistance partnership or association, founded in Puerto Rico before April 11, 1899.
- (h) *Private Entity*: any association, partnership, federation, institute, entity or juridical person.
- (i) *AOA*: the Advocate Office Administration, created under this Plan.
- (j) *Patient*: includes a person who is or shall be subject to obtain treatment for his/her health, whether for a physical or mental condition, and seeks or is examined by a health professional in order to obtain information on how to stay healthy; to obtain a diagnosis for his/her health condition; or to obtain treatment for a disease or injury, including diagnosis or preventive treatment for the early detection of possible diseases or for preventing complications of those already diagnosed and for prolonging the life and the quality of life of any patient whose condition has already worsened, regardless of whether or not he/she is a participant or beneficiary of a public or private Health Care Plan.
- (k) *Participant*: any person that is considered an active participant of the different public and/or private retirement systems.

- (l) *Pensioner*: any person that receives a pension for services rendered, for disability or age, as provided by each one of the different public and/or private retirement systems and/or who is a beneficiary of the Social Security Administration.
- (m) *Person with Disabilities*: any person who has a physical, mental or sensory impairment that substantially limits one or more of the essential activities of his/her life or who has a medical history or record of a physical, mental or sensory disability.
- (n) *Elderly Person*: any person of sixty (60) years of age or older.
- (o) *Plan*: the Advocate Office Reorganization Plan.
- (p) *Advocates*: a) the Healthcare Advocate, b) the Advocate for Pensioners and the Elderly; c) Advocate for Persons with Disabilities; d) the Veterans’ Advocate in Puerto Rico.
- (q) *Advocates’ Offices*: the Office of the Healthcare Advocate; the Advocate’s Office for Pensioners and the Elderly; the Office of the Veterans’ Advocate; and the Advocate’s Office for Persons with Disabilities created under this Plan.
- (r) *Provider*: means any person or entity authorized by the laws of Puerto Rico to render or provide healthcare services in Puerto Rico.
- (s) *Social Security*: refers to that which is provided in Chapter 531, 49 Stat. 620 of the Federal law enacted on August 14, 1935, known as the “Social Security Act,” including the regulations and requirements approved thereunder, as such Act has been and shall be amended, from time to time.
- (t) *Veteran*: any person who is a bona fide resident of Puerto Rico and who has served in the Armed Forces of the United States of America and has been discharged as such under honorable conditions.

CHAPTER II. — ADVOCATE OFFICE ADMINISTRATION

Section 4. — Creation of the Advocate Office Administration. —

The Advocate Office Administration (AOA) is hereby created to provide the Advocates’ Offices with any necessary administrative services in an integrated manner. It shall also develop an organizational structure that allows Advocates’ Offices to render services to the people in an integrated manner in accordance with the powers and duties of the Administrator as provided in this Plan.

Said Office shall render its services to the following Advocates’ Offices:

1. Healthcare;
2. Pensioners and the Elderly;
3. Persons with Disabilities; and
4. Veterans.

The AOA shall be managed by an Administrator, pursuant to the provisions of this Plan and the bylaws approved by the Administrator for the internal operations thereof.

Section 5. — Appointment of the Administrator. —

The Administrator shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold office for a term of five (5) years, or until his/her successor is appointed and takes office.

The Administrator shall be of legal age and be of renowned professional capability, moral probity, knowledge and experience in the field of public administration and/or government management. No person who holds an elective office during the term for which he/she was elected shall be appointed as Administrator. The Administrator shall discharge his/her duties on a full-time basis and his/her salary shall be fixed by the Governor, pursuant to the customary standards of the Government of Puerto Rico for equal or similar positions.

The Governor, after notice and hearing, may declare a vacancy in the position of the Administrator, if the former determines that the latter is fully and permanently impaired or has been negligent in discharging the duties of the office or has incurred in misconduct. In the case of a vacancy in the position of Administrator, the Governor shall designate the person who shall discharge the duties of the office temporarily until the successor is appointed and takes office.

Section 6. — Powers and Duties of the Administrator. —

The Administrator shall have the following powers and duties, in addition to any others as provided in this Plan:

- (a) To plan, organize, and direct all matters and operations related to human resources, contracting of services, budget appropriation, acquisition, use and control of equipment, communications media and technology, press, materials and property, reproduction of documents and other materials; and any other matters and transactions related to the internal management and governance of the AOA and the Advocates’ Offices;
- (b) To determine the internal organization of the AOA and create an integrated structure for the Advocates’ Offices, by establishing the necessary systems for their proper operations.
- (c) To appoint any AOA personnel as necessary to attain the purposes of this Plan. The Administrator of the AOA shall be an individual administrator, in accordance with Act No. 184 of August 3, 2004, as amended, known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” and shall contract the services of contractors and experts as necessary to fully comply with the duties imposed on him/her in this Plan;
- (d) To transact, receive, draw up, and execute budget controls and guarantee that the funds obtained through Federal or Commonwealth legislative appropriations, and transfers, assignments, contributions, and donations received for the operations of the AOA and the Advocates’ Offices are used in accordance with the purposes of and delegations made under this Plan. The available funds shall be accounted and administered according to the approved programmatic structure, the execution of which shall follow the control measures established by the AOA and subject to the laws that regulate the use of public funds, the norms or rules by virtue of which the AOA or the Advocates’ Offices shall receive them, pursuant to the regulations adopted by the Administrator to such purposes;
- (e) To receive any personal property from public agencies on loan, for usufruct or as a donation, and hold, administer, and use them to discharge the functions provided in this Plan;
- (f) To establish by itself or through agreement with public or private entities, a plan for the creation of regional offices where the services of the AOA or the Advocates’ Offices shall be integrated, to facilitate and promote the people’s access to the services offered by them. The Administrator shall promote the execution of collaboration agreements with the government and the private sector including, without it being construed as a limitation, agreements with the municipal governments, entities, and corporations and with nongovernmental entities and

organizations, when these agreements facilitate the exercise of the responsibilities delegated onto the Administrator and the Advocates without impairing their independent judgment;

(g) To represent the AOA and each one of the Advocates’ Offices in any Commonwealth or Federal judicial or administrative proceeding;

(h) To revise, consolidate, and approve regulations for his/her organization as a whole except for those related to the particular duties of the Advocates’ Offices and in accordance with the provisions of this Plan. He/she shall also approve, new regulations in order to eliminate duplication, strengthen coordination and follow-up duties, promote the integration and interaction of programs and services, and other measures to attain greater efficiency and effectiveness in the administration of government resources and service rendered. The regulations adopted by the Administrator shall be subject to 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”;

(i) To establish as part of the office’s structure, an area or program whereby the population serviced by each Advocate’s Office shall be able to canalize complaints or claims in the event their rights are violated, or for inaction by the agencies, or to serve as liaison between them and the agency concerned.

(j) To refer the claims brought by citizens before the AOA to the attention of Advocates for their evaluation and adjudication, in accordance with the jurisdiction established under this Plan; and

(k) To prepare, with the collaboration of the Advocates, the annual consolidated budget request for the AOA, and for each one of the Advocates’ Offices, and submit the same to the Office of Management and Budget.

Section 7. — Notice of Complaints and Grievances. —

(a) Any notice of decisions reached with respect to complaints, grievances, and investigations that have been handled by the Advocates shall be made through the AOA. The Administrator shall establish the procedures that shall apply to all Advocates’ Offices to ensure full compliance with the foregoing.

(b) As part of the procedures to be adopted by the Administrator, there shall be required that notice be issued to the complainant about the decision of whether or not the investigation shall be conducted or of discontinuing the investigation with respect to the complaint or grievance filed and the grounds therefor.

Whenever an Advocate’s Office decides to initiate an investigation, the AOA shall notify the agency under investigation thirty (30) days earlier, except when the nature of the investigation warrants that notice not be issued immediately. In these cases, the notice shall be issued as soon as the confidentiality requirements of the investigation so allow.

Section 8. — Procedure to be Followed After Conducting an Investigation or Adjudication.

(a) Once an investigation or adjudication conducted by the Advocates’ Offices concludes, the Administrator shall notify the complainant agency, municipality or private entity about the determination and recommendations adopted by the Advocates.

(b) Among the determinations and recommendations that may be made by the Advocates are the following:

1. That the agency, municipality or private entity concerned further consider the issue under investigation; or
2. That the grounds that justify the administrative act or action be stated.

(c) Once the foregoing is notified, the Advocate shall grant the agency, municipality or private entity concerned thirty (30) days to act according to the determination and notify the Advocate on the action taken in connection with said determination or recommendations.

(d) The Administrator shall also notify the complainant or aggrieved party about the actions taken by the Advocates’ Offices and of those taken by the complainant agency, municipality or private entity.

Section 9. — Duties, Fees and Charges to Executive Branch and Municipal Agencies. —

No duties, fees or taxes whatsoever shall be charged for filing, processing, and investigating claims brought by private individuals, groups or juridical entities before the AOA.

However, the Administrator may collect reasonable charges to defray the expenses incurred by the AOA or Advocates’ Offices for printing educational material to be distributed to the people, photocopying requested documents, carrying out educational and training activities, and related matters. Government agencies and instrumentalities may be exempt from these charges, as provided in the bylaws of the AOA.

CHAPTER III. — CREATION OF THE OFFICE OF THE HEALTHCARE ADVOCATE

Section 10. — Creation of the Office. —

The Office of the Healthcare Advocate is hereby created as the body in the Executive Branch, entrusted with, among other duties as provided in this Plan, handling and investigating the claims of patients in connection with medical-hospital services and their rights in areas such as education, healthcare, security, employment, civil and political rights, social, labor, and tax laws, housing, transportation, recreation, culture, and others as referred by the AOA. Likewise, it shall be responsible for establishing and implementing a program to provide assistance, education, orientation, and advice to protect the rights of patients; for overseeing compliance with the Bill of Rights and Responsibilities of the Patient established by Act No. 194 of August 25, 2000, as amended; and for coordinating with the corresponding entities the necessary services to be provided to insured patients, users, and consumers of medical-hospital services in Puerto Rico.

Section 11. — Appointment of the Healthcare Advocate. —

The Healthcare Advocate shall be appointed by the Governor, with the advice and consent of the Senate and shall hold office for a term of ten (10) years, or until his/her successor is appointed and takes office.

The Healthcare Advocate shall be a health professional of legal age, and be of renowned capability, moral probity, and knowledge in his/her field. No person who is holding an elective office during the term for which he/she was elected shall be appointed as Healthcare Advocate.

The Healthcare Advocate shall have autonomy in his/her actions concerning to programmatic aspects and shall discharge his/her duties on a full-time basis, except in the case that the Advocate’s medical specialty requires performing invasive procedures to keep abreast of the necessary skills required for the specialty. In this case, the Advocate may practice medicine limited to a maximum of five hundred (500) hours annually.

The salary of the Healthcare Advocate shall be fixed by the Governor, according to the customary standards of the Government of Puerto Rico for equal or similar offices. The Healthcare Advocate who practices medicine in a limited manner, as provided herein, may receive an additional compensation, which shall not exceed thirty-five percent (35%) of his/her total annual salary.

The Governor, after notice and hearing, may declare a vacancy in the position of the Healthcare Advocate, if the former determines that the latter is fully and permanently impaired or has been negligent in discharging the duties of the office or incurred misconduct.

In the event of illness, disability or temporary absence of the Healthcare Advocate or if by any reason the position of Healthcare Advocate becomes vacant, the Governor shall designate the person to assume the functions of the Healthcare Advocate, until a successor is officially appointed and takes office or until the term of the appointment of his/her predecessor expires, whichever comes first.

Section 12. — Functions and Duties of the Office. —

The Office shall have the following duties and functions, in addition to any other as provided in this Plan:

- (a) To promote and conduct studies and research, as well as collect and analyze statistics on the status of patients, and to analyze any factors impairing the rights of these persons;
- (b) To oversee compliance with the public policy set forth in this Plan, to ensure that the medical services offered are of the highest quality and based on the needs of the patient, and to guarantee that patients are treated with dignity, fairness, and respect while receiving the services rendered by the Office.
- (c) To oversee the services rendered by health service providers to the patients of the Health Reform, Medicare and Medicaid, including those rendered by the State Insurance Fund Corporation, the Automobile Accidents Compensation Administration, and any other public or private body, or health service provider contracted by them that receives or administers funds of the Government of Puerto Rico and the Government of the United States of America to provide health services, including collecting and publishing statistics on the availability and quality of health services in Puerto Rico;
- (d) To keep an ongoing review and evaluation of the activities conducted by the agencies and private entities to prevent violations of the rights of patients and enable systematic consultation processes with private entities and nongovernmental agencies, for the purpose of guaranteeing that the activities carried out by the Office always address their needs.
- (e) To coordinate efforts to educate patients on the rights and any other matters related to them and to conduct orientation and educational campaigns throughout the island on the problems that afflict these persons;
- (f) To receive and use funds originating from legislative appropriations, transfers, assignments, contributions, and donations of any kind received from agencies, municipal governments, the

Government of the United States as well as from private persons, nongovernmental organizations, and other private entities to draw up and implement public education and information projects and programs to be carried out by the Office, agencies, nongovernmental entities and organizations or the civil society. The funds thus received shall be administered by the AOA, subject to the laws that regulate the use of public funds, legal standards, rules or agreements. Furthermore, the Office may receive from agencies any personal property on loan, usufruct, or donation and may hold and use it to discharge the functions established in this Plan.

Section 13. — Powers and Duties of the Advocate. —

In order to meet the purposes of this Plan, the Advocate shall have the following powers and duties:

- (a) To advise the Governor and the Legislative Assembly regarding any legislation he/she deems pertinent for the effective development of the public policy set forth in this Plan and the rights that the Constitution of the United States of America, the Constitution of the Government of Puerto Rico, and Federal and local laws recognize for patients, as well as to ensure that the public policy, initiatives, statements, and projects specially geared to these persons be evaluated and implemented with a vision that predicated on integration and respect;
- (b) To appoint personnel to the Advocate’s Office needed to achieve the purposes of this Plan, through the recruitment process as determined by the Administrator, in accordance with Act No. 184 of August 3, 2004, as amended, known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” excepting from said power, administrative and other areas germane to the functions of the AOA.
- (c) To adopt rules and regulations needed to implement projects and programs to be adopted by the Advocate to educate and inform the sector of the population serviced by the Advocate’s Office and to discharge the functions expressly delegated to him/her by virtue of this Plan. The adopted regulations shall not modify any regulations adopted by the Administrator to regulate the operations of the AOA;
- (d) To foster agreements or arrangements with the agencies of the Government of Puerto Rico and the Government of the United States of America to coordinate assistance services for patients, so as to ensure the protection of their rights, and to administer any programs or funds appropriated to such purposes;
- (e) To organize and establish a program to conduct investigations in connection with the grievances and complaints referred to him/her by the AOA, according to his/her jurisdiction; to obtain any pertinent information;
- (f) To conduct investigations, on his/her own initiative or in connection with the complaints investigated by him/her; to obtain any pertinent information; hold administrative hearings; to hold mediation meetings, and to conduct on-site inspections.
- (g) To administer oaths and take statements on his/her own or through his/her authorized representatives;
- (h) To inspect the records, inventories, documents, and facilities of the agencies or private entities subject to the provisions of this Plan and other laws under his/her administration and jurisdiction which are deemed to be relevant for an investigation or complaint under his/her consideration.

(i) To summon witnesses to appear and testify, require the presentation or reproduction of any papers, books, documents or other evidence pertaining to an investigation or complaint under his/her consideration, as provided in Act No. 27 of December 8, 1990, known as the “Act for the Proceedings and Granting of Immunity to Witness Act.”

Whenever a duly summoned witness fails to appear to testify or furnish any required evidence, or refuses to answer any question in relation to an investigation conducted, pursuant to the provisions of this Act, the Advocate may resort to any part of the Court of First Instance of Puerto Rico to compel attendance, testimony or reproduction of the requested evidence, as the case may be. The Secretary of Justice may provide the Advocate with any necessary legal aid to such purposes.

No natural or juridical person shall refuse to comply with a summons duly issued by the Advocate or his/her authorized representative, and subscribed/undersigned by the Administrator, or refuse to produce any required evidence, to answer any question in connection with any matter under investigation by the Advocate or to comply with a court order issued to such purposes.

(j) To appear, in representation of the population serviced by the Advocate according to his/her jurisdiction that qualifies to obtain benefits under any pertinent Federal or Commonwealth laws or regulations, before any forum, court, board, commission or Federal or Commonwealth agency to address any matter or proceeding that may affect the interests, rights, and privileges of these persons;

(k) To initiate, in his/her discretion, before courts, administrative forums and instrumentalities and political subdivisions of the Government of Puerto Rico, on his/her own behalf or in representation of the interested party, any actions, whether individual or class action, he/she deems pertinent to handle any violation of the provisions of this Plan;

(l) To establish and carry out a program to provide orientation and advise to the population serviced by the Advocate about their rights and the programs, services, and benefits available to them;

(m) To settle and adjudicate complaints in connection with actions and omissions that impair the rights of patients, deny them benefits and opportunities that are rightfully theirs and that affect benefit programs; and to provide any pertinent remedies in accordance with the body of laws in effect, as well as to direct any natural or juridical person or any agency that denies, curtails, violates or impairs the rights and benefits of patients to take corrective action.

(n) To provide advice, technical assistance, and professional services to agencies and private entities that so request in order to improve the services rendered by them and meet any operational requirement established by law or regulation; and

(o) To submit a budget request for each fiscal year through the AOA, to the Office of Management and Budget to be appropriated by virtue of any local or Federal laws.

Section 14. — Investigation of Complaints. —

Any complaint filed pursuant to the provisions of this Plan shall be processed as provided by the Advocate through regulations.

Section 15. — Jurisdiction. —

The Advocate shall have the jurisdiction established under this Plan to investigate any actions, unreasonable delays or omissions by the agencies, municipalities or private entities with respect to the quality of the medical services provided, based on the needs of patients and guarantee that patients are treated with dignity, fairness, and respect while receiving the services rendered by the Office. Furthermore, the Advocate shall oversee the services rendered by health services providers to the patients of the Health Reform, Medicare and Medicaid, including the State Insurance Fund Corporation, the Automobile Accidents Compensation Administration, and any other public or private body, or health service provider contracted by them that receives or administers funds of the Government of Puerto Rico and the Government of the United States of America, to provide health services, including collecting and publishing statistics on the availability and quality of health services in Puerto Rico. Likewise, he/she shall oversee compliance with the Bill of Rights and Responsibilities of the Patient established by Act No. 194 of August 25, 2000, as amended. Provided, however, that the Office of the Healthcare Advocate shall not investigate or process claims, on its own behalf or in representation of citizens, under the following circumstances:

- a) When there is a proper legal remedy to redress the claimed grievance, offense or injustice that prompted the claim;
- b) When the claim refers to a matter outside the scope of jurisdiction of Advocates’ Offices;
- c) When the claimant does not show personal interest in the claim or voluntarily withdraws the complaint or grievance;
- d) When the claim, on its face, is frivolous or made in bad faith; or
- e) When the claim is being investigated or heard at another agency and the efforts of the Advocate’s Office would constitute a duplication of the investigation and adjudication proceedings.

However, if a complainant voluntarily withdraws a complaint or grievance, the Advocate’s Office may proceed with the investigation or complaint when it is determined that the action involved is a matter for a remedy that is independent from the complainant’s claim and when it seems to be:

- a) contrary to this or other law or regulations;
- b) unreasonable, unfair, arbitrary, offensive or discriminatory;
- c) based on a mistake of fact or on irrelevant or improper grounds;
- d) unsupported by an adequate statement of reasons when the law or regulations so require; or
- e) made erroneously or inefficiently.

However, the Advocate shall not have the power to investigate or file claims when the matter under investigation or that prompted the complaint has been heard in a Court or an agency with competence, and has been decided by final and binding adjudication.

Section 16. —Notice. —

The Advocate shall notify the claimant through the AOA about his/her decision to investigate the facts stated in the complaint and, on the same date in which the corresponding notice is issued, the Advocate shall notify the agency or private person or entity, as the case may be, about

the statement of facts alleged in the complaint and a citation of the law that empowers him/her to conduct such investigation.

Furthermore, the Advocate shall notify the claimant, as necessary, about his/her decision not to investigate, stating the grounds therefor and appraising the claimant on his/her right to request reconsideration and review of such determination. In all instances in which the Advocate decides to initiate an investigation, he/she shall so notify to the agency concerned, except when the nature of the investigation does not require that notice be issued immediately, in which case, such notice shall be issued as soon as the confidentiality of the investigation so allows.

CHAPTER IV. — CREATION OF THE ADVOCATE’S OFFICE FOR PENSIONERS AND THE ELDERLY

Section 17. — Creation of the Office. —

The Advocate’s Office for Pensioners and the Elderly is hereby created as the body in the Executive Branch entrusted with, among other duties as provided in this Plan, handling and investigating claims and protecting the rights of all pensioners, participants and/or beneficiaries of the different public or private retirement systems, as well as the elderly, in areas such as education, financial planning, healthcare, security, employment, civil and political rights, social, labor, and tax laws, housing, transportation, recreation, culture, and others as referred by the AOA. Likewise, it shall be responsible for establishing and implementing a program to provide assistance, orientation, and advise to protect their rights, and for coordinating with the corresponding entities the necessary services to be provided to them.

Said Office shall be the body entrusted with overseeing the implementation and compliance by agencies and private entities with the public policy provided in Act No. 121 of July 12, 1986, as amended, better known as the “Bill of Rights for Aged Persons,” and any legislation that is consistent with the public policy set forth under Public Law 89-73 of July 14, 1965, as amended, known as the “Older Americans Act of 1965,” in relation to this sector of the population.

It is hereby stated, further, that said Office shall be simultaneously conferred the powers, functions, and duties of the Office of the Ombudsman for Aged Persons Residing in Long-Term Care Establishments, as well as the corresponding position, as required and established under Public Law 89-73 of July 14, 1965, as amended, known as the “Older Americans Act of 1965.”

Section 18. — Appointment of the Advocate for Pensioners and the Elderly. —

The Advocate for Pensioners and the Elderly shall be appointed by the Governor with the advice and consent of the Senate and shall hold office for term of ten (10) years or until his/her successor is appointed and takes office.

The Advocate shall be of legal age and be of renowned capability, moral probity, knowledge, and professional experience in his/her field. No person who holds an elective office during the term for which he/she was elected shall be appointed as Advocate. The Advocate shall discharge the functions of his/her office on a full-time basis and shall have autonomy in his/her actions concerning programmatic aspects. The Governor shall fix the salary of the Advocate pursuant to the customary standards of the Government of Puerto Rico for offices of equal or similar nature.

The Governor, upon notice and hearing, may declare a vacancy in the position of Advocate if the former determines that the latter is fully and permanently impaired or has been negligent in discharging the duties of his/her office or has incurred in misconduct. In the event of illness, disability, temporary absence or if by any reason the position of the Advocate becomes vacant, the Governor shall designate a person to assume the functions until a successor is officially appointed and takes office or until the term of appointment of his/her predecessor expires, whichever comes first.

Section 19. — Functions and Duties of the Office. —

The Office shall have the following duties and functions, in addition to any other as provided in this Plan:

- (a) To conduct and promote studies and research, as well as to collect and analyze statistics on the situation of pensioners and the elderly, and to analyze any factors impairing the rights of these persons;
- (b) To oversee compliance with the public policy set forth in this Plan, to safeguard the rights of pensioners, participants and/or beneficiaries, and the elderly; and to ensure that public agencies comply with and adopt affirmative or corrective action programs, to encourage private entities to incorporate such programs, as well as to evaluate the programs that already exist, in order to achieve the integration of pensioners and the elderly and to foster their participation in society;
- (c) To act as a representative or liaison before the Social Security Administration on behalf of persons receiving Social Security pensions and/or benefits, in relation to the rights that protect them, if so authorized;
- (d) To keep an ongoing review and evaluation of activities conducted by nongovernmental agencies and entities to prevent violations of the rights of pensioners and the elderly, and to enable any systematic consultation procedures with government and nongovernmental entities, in order to ascertain compliance with laws that protect the rights of pensioners and the elderly;
- (e) To coordinate efforts to educate the community and these sectors of the population about the rights of pensioners and the elderly in areas such as financial planning, healthcare, security, employment, civil and political rights, social, labor, and tax laws, housing, transportation, recreation, culture, and all matters relating thereto, and to conduct orientation and educational campaigns throughout the island about the problems that afflict these persons;
- (f) To offer, in coordination with the Human Resources Office of the Commonwealth of Puerto Rico, skill building, sensitivity, orientation and educational campaigns to public employees on the rights of the elderly;
- (g) To receive and use funds originating from legislative appropriations, transfers, assignments, contributions, and donations of any kind received from agencies, municipal governments, and the Government of the United States, as well as from persons, nongovernmental organizations, and other private entities to draw up and implement public education and information projects and programs, to be carried out by the Office and by agencies, entities, and nongovernmental organizations or by civilian society. The funds thus received shall be administered by the AOA, subject to the laws that regulate the use of public funds, legal standards, rules or agreements. Furthermore, the Office may receive from agencies any personal property on loan, usufruct or donation and hold such property and use it to discharge the functions provided in this Plan.

Section 20. — Powers and Duties of the Advocate. —

In order to meet the purposes of in this Plan, the Advocate shall have the following powers and duties:

- (a) To advise the Governor and the Legislative Assembly regarding any legislation he/she deems pertinent for the effective development of the public policy set forth in this Plan and the rights that the Constitution of the United States of America, the Constitution of the Government of Puerto Rico, and Federal and local laws recognized for pensioners and the elderly, as well as to ensure that the public policy, initiatives, statements, and projects specially geared to these persons be evaluated and implemented with a vision that predicates on integration and respect;
- (b) To initiate, on his/her discretion, before courts, administrative forums, and instrumentalities and political subdivisions of the Government of Puerto Rico, on his/her own behalf or in representation of the interested party, be it pensioners, participants and/or beneficiaries and the elderly, individually or as a class, any such actions as he/she deems pertinent to handle violations of the provisions of this Plan;
- (c) To organize and establish a program to conduct investigations with respect to the grievances and complaints referred to his/her Office by the AOA, to obtain any pertinent information, and conduct on-site inspections;
- (d) To appoint personnel to his/her Office as necessary to achieve the purposes of this Plan, by any recruiting efforts conducted by the AOA pursuant to Act No. 184 of August 3, 2004, as amended, known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” excepting from said power, administrative and other areas germane to the functions of the AOA;
- (e) To adopt rules and regulations as necessary to implement projects and programs adopted by the Advocate to educate and inform the sectors of the population serviced by the Advocate’s Office and to discharge the functions which are expressly delegated to him/her by virtue of this Plan. The adopted regulations shall not modify the regulations adopted by the Administrator to regulate the operations of the AOA;
- (f) To foster agreements or arrangements with the agencies of the Government of Puerto Rico and the Government of the United States of America to coordinate assistance services for pensioners and the elderly so as to ensure the protection of their rights and to administer any programs or funds appropriated to such purposes;
- (g) To conduct investigations, either on his/her own initiative or in connection with the complaints investigated by him/her, to obtain any pertinent information, to hold administrative hearings, to hold mediation meetings, and to conduct on-site inspections;
- (h) To settle and adjudicate complaints in connection with actions and omissions that impair the rights of the elderly and/or pensioners, that deny them the benefits and opportunities that are rightfully theirs, and that affect benefit programs; and to provide any pertinent remedies under the body of laws in effect, as well as to direct natural or juridical persons or any agency that denies, curtails, violates or impairs the rights and benefits of the elderly to take corrective actions. This subsection shall likewise apply to elderly persons and/or pensioners who live in long-term care establishments and to any provider that render services to the elderly and/or pensioners in such establishments which infringe the rights guaranteed for these citizens as provided for in Act No. 121 of July 12, 1986, as amended, known as the “Bill of Rights of Elderly Persons”;

(i) To inspect the records, inventories, documents, and facilities of agencies or private entities whenever pertinent and necessary in connection with an investigation or a complaint before the AOA or under his/her consideration. In observance of the foregoing, the Advocate and his/her representatives or the AOA shall have access to inspect any existing document or register at long term care establishments, together with social and medical care track records relating to the elderly residing in their facilities, except if any such elderly, either on his/her own initiative or through his/her guardian or legal representative, objects such inspection. The person in charge of the establishment may also be required to present documents that prove compliance with requirements such as licensing and certificates issued by agencies or private entities that guarantee that the elderly are being tended to and cared for by personnel certified to provide such services;

(j) To appear, in representation of the population serviced by the Advocate according to his/her jurisdiction that qualifies to obtain benefits under any pertinent Federal or Commonwealth laws or regulations, before any forum, court, board, commission or Federal or Commonwealth agency to address any matter or proceeding that may affect the interests, rights, and privileges of these persons;

(k) To administer oaths and take statements on his/her own or through his/her authorized representatives;

(l) To summon witnesses to appear and testify, require the presentation or reproduction of any papers, books, documents or other evidence pertaining to an investigation or complaint under his/her consideration, as provided in Act No. 27 of December 8, 1990, known as the “Act for the Proceedings and Granting of Immunity to Witness Act.”

Whenever a duly summoned witness fails to appear to testify, or to furnish any required evidence, or refuses to answer any question in connection with an investigation conducted pursuant to the provisions of this Act, the Advocate may resort to any part of the Court of First Instance of Puerto Rico to compel attendance or testimony or reproduction of the requested evidence, as the case may be. The Secretary of Justice may provide the Advocate with any legal assistance as necessary for such purposes.

No natural or juridical person shall refuse to comply with a summons duly issued by the Advocate or his/her authorized representative and undersigned by the Administrator, or refuse to reproduce any required evidence, or refuse to answer any question in connection with any matter under investigation by the Advocate, or refuse to comply with a court order issued to such purposes;

(m) To establish and carry out a program to provide orientation and advice to the population serviced by the Advocate about their rights, and the programs, services, and benefits available to them;

(n) To provide advice, technical assistance, and professional services to any agencies and private entities that so request, in order to improve the services rendered by them and to meet any operational requirements provided by law or regulations; and

(o) To submit a budget request for each fiscal year to the Office of Management and Budget through the AOA, to be appropriated thereto by virtue of any local or Federal laws.

Section 21. — Investigation of Complaints. —

Any complaint filed pursuant to the provisions of this Plan shall be processed in such manner as provided by the Advocate through regulation.

Section 22. — Jurisdiction. —

The Advocate shall have such jurisdiction as provided in this Plan to investigate any actions, unreasonable delays or omissions by agencies, municipalities or private entities as pertains to the rights of pensioners, participants and/or beneficiaries, as well as of any pensioners, participants and/or beneficiaries of annuities or retirement plans from the private business sector, and of the elderly. Furthermore, the Advocate may oversee compliance with the public policy set forth in this Plan, and to safeguard the rights of pensioners, participants and/or beneficiaries, and the elderly; and ensure that agencies and private entities comply with and adopt affirmative or corrective action programs, as well as evaluate already existing programs, in order to achieve the integration of pensioners and the elderly and foster their participation in society. He/she shall likewise oversee observance of the rights guaranteed for these citizens as provided for in Act No. 121 of July 12, 1986, as amended, known as the “Bill of Rights of Elderly Persons.”

It is hereby provided, however, that the Advocate’s Office for Pensioners and the Elderly shall not investigate or process, either on his/her initiative or in representation of citizens, any claims under the following circumstances:

- (a) When there is a proper legal remedy to redress the grievance, offense or injustice that prompted the claim;
- (b) When the claim refers to a matter outside the scope of jurisdiction of Advocate’s Offices;
- (c) When the claimant does not show a personal interest in the claim or when he/she voluntarily withdraws the complaint or grievance;
- (d) When on its face, the claim is frivolous or has been made in bad faith; or
- (e) When the claim is being investigated or heard at another agency and the efforts of the Advocate’s Office would constitute a duplication of the investigation or adjudication proceedings.

However, if a complainant voluntarily withdraws a complaint or grievance, the Office may proceed with the investigation or complaint when it is determined that the action involved is a matter for a remedy that is independent from the complainant’s claim and when it seems to be:

- (a) contrary to this or other laws or regulations;
- (b) unreasonable, unfair, arbitrary, offensive or discriminatory;
- (c) based on a mistake of fact or on irrelevant or improper motives;
- (d) unsupported by an adequate statement of reasons when so required by law or regulation; or
- (e) made erroneously or inefficiently.

The Advocate shall not have the power, however, to investigate or file claims when the matter under investigation or that prompted the claim has been heard in a Court or an agency with competence and has been decided by final and binding adjudication.

Section 23. — Notice. —

The Advocate shall notify the claimant through the AOA about his/her decision to investigate the facts stated in the complaint, and on the same date in which the corresponding notice is issued, the Advocate shall notify the agency, person or private entity, as the case may be, about the statement of the facts alleged on the complaint and a citation of the law that empowers him/her to conduct such investigation.

Furthermore, the Advocate shall notify the claimant, as necessary, about his/her decision not to investigate, stating the grounds therefor and apprising him/her of his/her right to request a reconsideration and review of such determination. In all instances in which the Advocate decides to initiate an investigation, he/she shall notify the agency concerned, except when the nature of the investigation warrants that notice not be given immediately, in which case, such notice shall be issued as soon as the confidentiality requirements of the investigation so allow.

CHAPTER V. — OFFICE OF THE VETERAN’S ADVOCATE

Section 24. — Creation of the Office of the Veteran’s Advocate. —

The Office of the Veteran’s Advocate is hereby created as the body in the Executive Branch entrusted with, among other duties as provided in this Plan, handling and investigating claims by veterans in Puerto Rico and for safeguarding their rights in areas such as education, healthcare, security, employment, civil and political rights, social, labor and tax laws, housing, transportation, recreation, culture, and others as referred by the AOA. Likewise, it shall be responsible for establishing and implementing a program to provide assistance, orientation, and advice to protect the rights of veterans and their families, and for coordinating with the corresponding entities the necessary services to be provided to veterans in Puerto Rico.

This Office shall be the body entrusted with overseeing the implementation and compliance by agencies and private entities with the public policy provided in Act No. 203 of December 14, 2007, as amended, better known as the “Puerto Rican Veterans Bill of Rights for the 21st Century.”

Section 25. — Appointment of the Veteran’s Advocate. —

The Veteran’s Advocate shall be appointed by the Governor with the advice and consent of the Senate and shall hold office for a term of ten (10) years or until his/her successor is appointed and takes office.

The Advocate shall be of legal age and he/she must have served actively or in the reserves of the United States Armed Forces. The Governor may, without impairing his/her constitutional prerogative, request and receive recommendations from the government sector and nongovernmental groups that advocate for veterans’ rights, about possible candidates for such office. He/she shall also have renowned capability, moral probity, and knowledge in his/her field. No person who holds an elective office during the term for which he/she was elected shall be appointed as Advocate. The Advocate shall discharge the functions of his/her office on a full-time basis and have autonomy in his/her actions concerning any programmatic aspects.

The Governor may, after notice and hearing, declare a vacancy in the position of the Advocate, if the former determines that the latter is fully and permanently impaired or has been negligent in discharging the duties of his/her office or has incurred in misconduct. In the event of illness, disability, temporary absence or, if by any reason, the position of the Advocate becomes vacant, the Governor shall designate a person to assume all functions until his/her successor is officially appointed and takes office or until the term of appointment of his/her predecessor expires, whichever comes first.

Section 26. — Functions and Duties of the Office. —

The Office shall have the following duties and functions, in addition to others as provided in this Plan:

- (a) To make any efforts as necessary and pertinent in the pursuit of a better, more effective, fairer, and efficient application in Puerto Rico of all Federal and Commonwealth laws on pensions, bonuses, and benefits of all kinds for veterans of the United States Armed Forces and their families;
- (b) To enforce and oversee compliance with the provisions of Act No. 204 of December 14, 2007, as amended, known as the “Puerto Rican Veterans Bill of Rights for the 21st Century,” regulations promulgated thereunder, and any other laws and regulations to be approved in the future for the benefit of Puerto Rican veterans and their families;
- (c) To take any such measures as necessary for the speedy investigation of claims of veterans and their families at the United States Veterans Administration with offices in Washington, D.C., the Social Security Administration, and its local and regional offices. For such purposes, the Office may obtain or provide or contract legal, medical or technical services or appear on behalf and in representation of veterans and their families if they qualify to receive benefits under any pertinent Federal laws before any forum, Commonwealth or Federal court, board or commission, administrative entity, department, office or agency of the Government of Puerto Rico in any hearing, proceeding or matter that affects or could affect the interests, rights and benefits of these persons;
- (d) To conduct, either by itself or in coordination with other agencies, any such studies as necessary on problems concerning education, employment, housing, and other problems that affect or are relative to veterans in Puerto Rico, their widows, and their children; and to prepare for and recommend to the Legislative Assembly of Puerto Rico any such legislative measures as it may deem useful and necessary to assist veterans and their families;
- (e) To establish and organize a program to conduct investigations in connection with complaints and grievances filed with the AOA by veterans and their families, in cases of inaction by public agencies or violations of their rights, and to be a liaison between them and the agency concerned;
- (f) To establish and carry out an orientation and advisory plan concerning all programs, services, and benefits to which veterans in Puerto Rico and their families are entitled, and on the requirements, mechanisms, means, recourses or proceedings to obtain, participate, and benefit from these and to enforce their rights;
- (g) To give, free of charge, a Puerto Rican flag to families of deceased veterans when the flag is requested for use during the funeral services of veterans;
- (h) To conduct and foster studies and research, as well as to collect and analyze statistics on the living conditions of veterans in Puerto Rico, and to analyze any factors impairing their rights;

(i) To receive and use funds originating from legislative appropriations, transfers, assignments, contributions, and donations of any kind received from agencies, municipal governments, and the Government of the United States, as well as from private persons, nongovernmental organizations, and other private entities to draw up and implement public information and education projects and programs to be carried out by the Office, agencies, nongovernmental women organizations and entities or civil society. The available funds shall be evaluated and administered pursuant to the programmatic structure as approved, to be carried out under control measures established by the AOA, subject to laws that regulate the use of public funds, legal standards, rules or agreements. Furthermore, the Office shall receive any personal property from agencies on loan, for usufruct or as a donation, and hold such property and use it to discharge the functions provided in this Plan.

Section 27. — Powers and Duties of the Advocate. —

In order to meet the purposes of this Plan, the Advocate shall have the following powers and duties:

- (a) To advise the Governor and the Legislative Assembly regarding any legislation he/she deems pertinent for the effective development of the public policy set forth in this Plan and the rights that the Constitution of the United States of America, the Constitution of the Government of Puerto Rico, and Federal and local laws recognize for veterans and their families, as well as to ensure that the public policy, initiatives, statements, and projects specially geared to these persons to be evaluated and implemented with a vision that predicates on integration and respect;
- (b) To file, in his/her discretion, with courts, administrative forums, and instrumentalities and political subdivisions of the Government of Puerto Rico, on his/her own behalf or in representation of the interested party, be it veterans or their families, individually or as a class, any such actions as he/she deems pertinent to handle violations of the provisions of this Plan;
- (c) To organize and establish a program to conduct investigations in connection with the grievances and complaints referred by the AOA, to obtain any pertinent information, and to conduct on-site inspections;
- (d) To appoint personnel to his/her Office as necessary to achieve the purposes of this Plan, through the recruitment process as determined by the AOA pursuant to Act No. 184 of August 3, 2004, as amended, known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” excepting from said power, administrative and other areas germane to the functions of the AOA;
- (e) To adopt the rules and regulations as needed to implement projects and programs to be adopted by the Advocate to educate and inform the sector of the population serviced by the Advocate’s Office and to discharge the functions expressly delegated to him/her by virtue of this Plan. The adopted regulations shall not modify the regulations adopted by the Administrator to regulate the operations of the AOA;
- (f) To foster agreements or arrangements with the agencies of the Government of Puerto Rico and the Government of the United States of America to coordinate assistance services for veterans and their families so as to ensure the protection of their rights and to administer any programs or funds appropriated to such purposes.

Thus, the Office of the Veteran’s Advocate is hereby designated as the agency of the Government of Puerto Rico responsible for the administration of any Commonwealth or Federal

program that, due to its nature, purpose, and scope, is relative to the functions entrusted to him/her under this Act. The Advocate shall be responsible for entering into and transacting agreements or arrangements as necessary in order for the Government of Puerto Rico to be able to receive any Federal funds and benefits to carry out such programs;

(g) To conduct investigations, either on his/her own initiative or in connection with complaints under investigation, to obtain any such information as pertinent, to hold administrative hearings, to hold mediation meetings, and to conduct on-site inspections;

(h) To settle and adjudicate complaints of veterans and their families in connection with actions and omissions that impair the rights of veterans and their families, deny them benefits and opportunities that are rightfully theirs and that affect benefit programs; and to provide any pertinent remedies in accordance with the body of laws in effect, as well as to direct any natural or juridical person or any agency that denies, curtails, violates or impairs the rights and benefits of veterans to take corrective action.

(i) To inspect the records, inventories, documents, and facilities of agencies or private entities when pertinent and necessary for an investigation or a complaint filed with the AOA or under his/her consideration. To appear in representation of the sectors of the population serviced by his/her Office, pursuant to his/her scope of jurisdiction, which qualify to obtain benefits under any pertinent Commonwealth or Federal laws or regulations before any forum, court, board, commission or Commonwealth or Federal agency concerning any matter or proceeding that could affect their interests, rights, and privileges;

(j) To administer oaths and take statements by him/herself or through his/her authorized representatives;

(k) To compel the appearance and testimony of witnesses, require the presentation or reproduction of any papers, books, documents or any other evidence pertinent to an investigation or a complaint before his/her consideration, pursuant to the provisions of Act No. 27 of December 8, 1990, known as the “Act for the Proceedings and Granting of Immunity to Witnesses”;

Whenever a duly summoned witness fails to appear to testify, or to furnish any required evidence, or refuses to answer any question in connection with an investigation conducted pursuant to the provisions of this Act, the Advocate may resort to any division of the Court of First Instance of Puerto Rico to compel the appearance or testimony or reproduction of any requested evidence, as the case may be. The Secretary of Justice may provide the Advocate with the legal assistance necessary for such purposes.

No natural or juridical person shall refuse to comply with a summons duly issued by the Advocate or his/her authorized representative and undersigned by the Administrator, or refuse to reproduce any required evidence, or refuse to answer any question in connection with any matter under investigation by the Advocate, or refuse to comply with a court order issued for such purposes;

(l) To establish and carry out a program to provide orientation and advise to the sector of the population serviced by the Office about the corresponding rights, programs, services, and benefits available to them;

(m) To provide advice, technical assistance, and professional services to agencies and private entities that so request to improve the services they render and to meet any operational requirements as set forth in laws or regulations;

- (n) In exercising his/her discretion and in discharging his/her ministerial duty of serving the best interests of veterans and their families, the Advocate, after consulting with the Administrator, may negotiate and execute with private interests contracts of any kind or use other contracting models, including the delegation of all or some operations in connection with any facilities, establishments or programs delegated onto the Office of the Veteran’s Advocate or for which said Office is responsible; and
- (o) To submit a budget request for each fiscal year through the AOA, to the Office of Management and Budget to be appropriated by virtue of any local or Federal laws.

Section 28. — Investigation of Complaints. —

Any complaint filed pursuant to the provisions of this Plan shall be processed as provided by the Advocate through regulations.

Section 29. — Jurisdiction. —

The Advocate shall have such jurisdiction as provided this Plan to investigate any actions, unreasonable delays or omissions by agencies, municipalities or private entities as pertain to the rights of veterans in Puerto Rico in areas such as education, employment, healthcare, housing, transportation, social, labor, and tax laws. He/she shall also oversee compliance with the provisions of Act No. 203 of December 14, 2007, as amended, known as the “Puerto Rican Veterans Bill of Rights for the 21st Century,” regulations promulgated thereunder, and any other laws or regulations to be approved in the future for the benefit of veterans in Puerto Rico and their families, as well as to take any such measures as deemed necessary for the speedy investigation of claims filed by veterans and their families before the United States Veterans Administration with offices in Washington, D.C., the Social Security Administration, and its local and regional offices.

It is hereby provided, however, that the Office of the Veterans Advocate shall not investigate or process, either on his/her own initiative or in representation of citizens, any claims under the following circumstances:

- (a) When there is proper legal remedy to redress the grievance, offense or injustice that prompted the claim;
- (b) When the claim refers to a matter outside the scope of jurisdiction of Advocate Offices;
- (c) When the claimant does not show a personal interest in the claim or when he/she voluntarily withdraws the complaint or grievance;
- (d) When on its face, the claim is frivolous or has been made in bad faith;
- (e) When the claim is being investigated or heard in another agency, and the efforts of the Office of the Veteran’s Advocate would constitute a duplication the of investigation or adjudication proceedings.

However, if a complainant voluntarily withdraws a grievance or complaint, the Office may proceed with the investigation or complaint when it is determined that the action involved is a matter for a remedy that is independent from the complainant’s claim and when it seems to be:

- (a) contrary to this Act or any other laws or regulations;
- (b) unreasonable, unfair, arbitrary, offensive or discriminatory;
- (c) based on a mistake of fact or on irrelevant or improper motives;

- (d) unsupported by a proper statement of reasons when so required by law or regulation; or
- (e) made erroneously or inefficiently.

The Advocate shall not have the power, however, to investigate or file claims when the matter under investigation or that prompted the claim has been heard in a Court or an agency with competence and has been decided by final and binding adjudication.

Section 30. — Notice. —

The Advocate shall notify the claimant through the AOA about his/her decision to investigate the facts stated in the complaint, and on the same date in which the corresponding notice is issued, the Advocate shall notify the agency, person or private entity, as the case may be, about the statement of the facts alleged on the complaint and a citation of the law that empowers him/her to conduct such investigation.

Furthermore, the Advocate shall also notify the claimant, as necessary, about his/her decision not to investigate, stating the grounds therefor and apprising him/her of his/her right to request a reconsideration and review of such determination. In all instances in which the Advocate decides to initiate an investigation, he/she shall notify so to the agency concerned, except when the nature of the investigation warrants that notice not be given immediately, in which case, such notice shall be issued as soon as the confidentiality requirements of the investigation so allow.

CHAPTER VI. — OFFICE OF THE ADVOCATE FOR PERSONS WITH DISABILITIES

Section 31. — Creation of the Office of the Advocate for Persons with Disabilities. —

The Office of the Advocate for Persons with Disabilities is hereby created as the body in the Executive Branch entrusted with, among other duties as provided in this Plan, handling and investigating claims filed by persons with disabilities in relation to areas such as education, healthcare, employment, and freedom of enterprise, civil and political rights, social, labor, and tax laws, housing, transportation, recreation, environmental protection, and culture, among others. Likewise, it shall be responsible for establishing and implementing a program to provide orientation and advice to protect persons with disabilities. Furthermore, it shall promote the integration of persons with physical, mental or sensory impairments into environment conservation, education, and preservation programs instituted by agencies and instrumentalities of the Government of Puerto Rico.

Section 32. — Appointment of the Advocate for Persons with Disabilities. —

The Advocate shall be appointed by the Governor with the advice and consent of the Senate and shall hold office for a term of ten (10) years or until his/her successor is appointed and takes offices.

The Advocate shall be of legal age and have renowned capability, moral probity, knowledge, and professional experience in his/her field. No person who holds an elective office during the term for which he/she was elected shall be appointed as Advocate. The Advocate shall discharge the functions of his/her office on a full-time basis and shall have autonomy in his/her actions

concerning programmatic aspects. The Governor shall fix the salary of the Advocate pursuant to the customary standards of the Government of Puerto Rico for offices of equal or similar nature.

The Governor, after notice and hearing, may declare a vacancy in the position of Advocate, if the former determines that the latter has been negligent in discharging his/her duties or has incurred in misconduct. In the event of illness, disability, temporary absence, or if by any reason the position of Advocate becomes vacant, the Governor shall designate a person to assume all functions, duties, and powers until his/her successor is officially appointed and takes office or until the term of appointment of his/her predecessor expires, whichever comes first.

Section 33. — Functions and Duties of the Office. —

The Office shall have the following duties and functions, in addition to any others as provided in this Plan or in laws or programs the administration or implementation of which has been delegated onto this Office:

- (a) To act, by petition of any person with disabilities or his/her parents or guardian, as a liaison in transactions between him/her and the various public entities and private entities that offer, render or provide any service, activity, benefit or program for persons with disabilities;
- (b) To promote the creation and development of programs that encourage persons with disabilities to participate in educational, social, cultural, and recreational activities, according to each person’s interests, as well as any others that contribute positively to the rehabilitation, development, and full inclusion in all activities that make up society;
- (c) To collect, update, and analyze statistics needed for planning, coordinating, and using government resources devoted to the evaluation, diagnosis, treatment, personal care, assistance, rehabilitation, education, training, employment, housing, recreation, socialization, and orientation of persons with disabilities;
- (d) To establish, in coordination with the AOA, an integrated system of statistical data relating to the activities and the different jobs held by persons with disabilities, in order to guarantee the maximization of resources available to this population sector, as well as the orientation, planning, and organization of the services provided. This statistical information shall state, among others, the gender, education, skills, abilities, age, place of work, job position held, among others, in relation to each individual. The Office shall establish a human resources pool with the information of persons with disabilities who wish to enter the workforce. It shall establish collaborative agreements with the Department of Labor and Human Resources and ORHELA, with the purpose of obtaining and keeping statistical information as set forth in this Act and accessing information on vacant jobs for which persons with disabilities are able to compete;
- (e) To prepare and update an online catalog about all programs, benefits, services, activities, and facilities available to persons with disabilities, both in public entities and in private entities. This catalog shall include and comprise any laws, regulations, orders, standards, procedures, recourses, means, mechanisms, and requirements necessary to qualify and obtain any benefit, service, right or privilege;
- (f) To orient and educate persons with disabilities about their human and legal rights, as well as about the privileges and opportunities concerning treatment, rehabilitation, skill building and development that protect them under the laws in effect, for which purpose, it shall employ all techniques and communications media within its reach;

- (g) To ascertain that public entities and private entities that receive public funds do not discriminate against persons with disabilities by reason of their condition;
- (h) To conduct studies and investigations, either by itself or in coordination with other agencies, for the development of new approaches, methods, programs, and services that could contribute when addressing the problems and needs of persons with disabilities, in order to enable them to achieve their fullest development so that they may become productive and independent;
- (i) To assist, upon request by agencies, municipalities, and private entities that receive public funds, in the design, preparation, planning, development, and implementation of orientation, advisory, recruitment, skill building, and assistive programs for persons with disabilities, including, but not limited to, in making the best and most advantageous use of Commonwealth and Federal funds and programs established for the benefit of persons with disabilities;
- (j) The Office shall require all agencies, departments, and instrumentalities of all three Government Branches to designate one or more officials to conduct inspections on the facilities of all three Government Branches to ensure their compliance with Commonwealth and Federal laws that guarantee access for persons with disabilities, and establish coordination with such agencies, departments, and instrumentalities to execute corrective plans. Each agency, department and/or instrumentality shall submit to the Office their findings in connection with facility inspections. The Office shall review the results of inspections and establish corrective action plans together with the dependency concerned. The Office shall follow up on corrective action plans and certify compliance by any such government agency, department and/or instrumentality of any of the three Government Branches;
- (k) To receive and use funds originating from legislative appropriations, transfers, assignments, contributions, and donations of any kind received from agencies, municipal governments, and the Government of the United States, as well as from private persons, nongovernmental agencies, and other private entities for the design and implementation of public information and education projects and programs to be executed by the Office, agencies, entities, nongovernmental organizations, and civil society. The available funds shall be evaluated and administered, pursuant to the programmatic structure as approved to be carried out under control measures established by the AOA, subject to laws that regulate the use of public funds, legal standards, rules or agreements.

The Office may also receive any personal property from agencies on loan, for usufruct or as a donation, and hold such property and use it to discharge the functions provided in this Plan.

Section 34. — Powers and Duties of the Advocate. —

In order to meet the purposes of this Act, the Advocate shall have, among others, the following powers and duties:

- (a) To advise the Governor and the Legislative Assembly regarding legislation he/she deems pertinent for the effective development of the public policy set forth in this Plan and the rights that the Constitution of the United States of America, the Constitution of the Government of Puerto Rico, and Federal and local laws recognize for persons with disabilities, as well as to ensure that the public policy, initiatives, statements, and projects specially geared to these persons to be evaluated and implemented with a vision that predicates on integration and respect;
- (b) To address, investigate, and adjudicate petitions and complaints referred by the AOA and filed by persons with disabilities, their parents or guardians, against public or private entities that

receive public Federal or Commonwealth funds for the benefit of these persons. The Advocate shall enforce the provisions of Act No. 44 of July 2, 1985, as amended, which prohibits discrimination against persons with disabilities by public agencies and private entities. In performing this task, he/she may address, investigate, and adjudicate petitions and complaints, in those cases in which any public agency or private entity discriminates against a person with disabilities;

(c) To appoint the personnel to his/her Office needed to achieve the purposes of this Plan, through any recruitment process as determined by the AOA pursuant to Act No. 184 of August 3, 2004, as amended, known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” excepting from said power, administrative and other areas germane to the functions of the AOA;

(d) To establish and carry out an assistance program for persons with disabilities, in order to provide them with orientation and advice on all programs, services, and benefits to which they are entitled and on any requirements, mechanisms, means, recourses or procedures to obtain and benefit from these and to uphold their rights;

(e) To organize and establish a program to conduct investigations in connection with any grievances and complaints referred by the AOA, and to obtain any pertinent information;

(f) To file, in his/her discretion, with courts, administrative forums, and instrumentalities, and political subdivisions of the Government of Puerto Rico, either on his/her own behalf or in representation of the interested party, individually or as a class, such actions as he/she deems pertinent to handle violations of the provisions of this Plan;

(g) To adopt any rules and regulations as necessary, implement projects and programs to be adopted by the Advocate to educate and inform the sectors of the population serviced by his/her Office, and discharge the functions expressly delegated onto by virtue of this Plan. The regulations thus adopted may not modify the regulations adopted by the Administrator to regulate the operations of the AOA;

(h) To foster agreements or arrangements between agencies of the Government of Puerto Rico and the Government of the United States of America to coordinate assistance services for persons with disabilities so as to ensure the protection of their rights and the administration of any programs or funds appropriated to such purposes;

(i) To set reasonable charges for expenses incurred by the Office in printing educational materials for distribution to citizens, photocopies of documents requested, educational activities offered, and related matters. Government agencies and instrumentalities are hereby exempted from payment of charges;

(j) To conduct investigations, on his/her own initiative or concerning any complaints under investigation, obtain any such information as pertinent, hold administrative hearings, hold mediation meetings, and conduct on-site inspections;

(k) To settle and adjudicate complaints in connection with actions and omissions that impair the rights of persons with disabilities, deny them benefits and opportunities that are rightfully theirs and that affect benefit programs; and to provide any pertinent remedies in accordance with the body of laws in effect, as well as to direct any natural or juridical person or any agency that denies, curtails, violates or impairs the rights and benefits of persons with disabilities to take corrective action;

- (l) To inspect the records, inventories, documents, and facilities of agencies and private entities whenever pertinent and necessary in connection with an investigation or a complaint before the AOA or under his/her consideration;
- (m) To appear in representation of the sector of the population serviced by his/her Office, pursuant to his/her scope of jurisdiction, which qualify to obtain benefits under any pertinent Commonwealth or Federal laws or regulations before any forum, court, board, commission or Commonwealth or Federal agency concerning any matter or proceeding that could affect their interests, rights, and privileges;
- (n) To administer oaths and take statements by him/herself or through his/her authorized representatives;
- (o) To compel the attendance and testimony of witnesses, require the presentation or reproduction of any papers, books, documents or any other evidence pertinent to an investigation or a complaint before his/her consideration, pursuant to the provisions of Act No. 27 of December 8, 1990, known as the “Act for the Proceedings and Granting of Immunity to Witnesses”;

Whenever a duly summoned witness fails to appear to testify, or to produce any required evidence, or refuses to answer any question in connection with an investigation conducted pursuant to the provisions of this Act, the Advocate may resort to the Court of First Instance of Puerto Rico to compel attendance or testimony or reproduction of any requested evidence, as the case may be. The Secretary of Justice may provide the Advocate with any legal assistance needed to such purposes.

No natural or juridical person may refuse to comply with a summons duly issued by the Advocate or his/her authorized representative and undersigned by the Administrator, or refuse to reproduce any required evidence, or refuse to answer any question in connection with any matter under investigation by the Advocate, or refuse to comply with a court order issued to such purposes;

- (p) To establish and carry out a program to provide orientation and advice to the sector of the population serviced by the Office about the corresponding rights, programs, services, and benefits available to them;
- (q) To provide advice, technical assistance, and professional services to any agencies and private entities that so request, in order to improve the services rendered by them and to meet any operational requirements set forth by law and regulation; and (r) To submit a budget request for each fiscal year through the AOA to the Office of Management and Budget, to be appropriated by virtue of any local or Federal laws.

Section 35. — Investigation of Complaints. —

Any complaint filed under the provisions of this Plan shall be as provided by the Advocate through regulations.

Section 36. — Jurisdiction. —

The Advocate shall have such jurisdiction as provided in this Plan to investigate any actions, unreasonable delays or omissions by agencies, municipalities or private entities under his/her jurisdiction as pertains to the claims and rights of persons with disabilities in areas such as

education, healthcare, security, employment and freedom of enterprise, civil and political rights, social, labor, and tax laws, housing, transportation, recreation, environmental protection, and culture, among others, and they may exercise, either by his/her initiative or in representation of private persons rightfully entitled to file complaints before the Administrator and the Advocates, any such powers and attributions as conferred under this Act.

It is hereby provided, however, that the Office of the Advocate for Persons with Disabilities shall not investigate or process, either by his/her initiative or in representation of citizens, any claims under the following circumstances:

- (a) When there is a proper legal remedy to redress the grievance, offense or injustice that prompted the claim;
- (b) When the claim refers to a matter outside the scope of jurisdiction of Advocate Offices;
- (c) When the claimant does not show a personal interest in the claim or when he/she voluntarily withdraws the complaint or grievance;
- (d) When on its face, the claim is frivolous or has been made in bad faith; or
- (e) When the claim is being investigated or heard at another agency and the efforts of the Advocate’s Office would constitute a duplication of the investigation or adjudication proceedings.

However, if a complainant voluntarily withdraws a complaint or grievance, the Office may proceed with the investigation or complaint when it is determined that the action involved is a matter for a remedy that is independent from the complainant’s claim and when it seems to be:

- (a) contrary this or other laws or regulations;
- (b) unreasonable, unfair, arbitrary, offensive or discriminatory;
- (c) based on a mistake of fact or on irrelevant or improper motives;
- (d) unsupported by adequate statement of reasons when so required by law or regulation; or
- (e) made erroneously or inefficiently.

The Advocate shall not have the power, however, to investigate or file claims when the matter under investigation or that prompted the claim has been heard in a Court or an agency with competence and has been decided by final and binding adjudication.

Section 37. — Notice. —

The Advocate shall notify the claimant through the AOA about his/her decision to investigate the facts stated in the complaint, and on the same date in which the corresponding notice is issued, the Advocate shall notify the agency, person or private entity, as the case may be, about a statement of the facts alleged on the complaint and a citation of the law that empowers him/her to conduct such investigation.

Furthermore, the Advocate shall notify the claimant, as necessary, about his/her decision not to investigate, stating the grounds therefor and apprising him/her of his/her right to request a reconsideration and review of such determination. In all instances in which the Advocate decides to start an investigation, he/she shall so notify to the agency concerned, except when the nature of the investigation warrants that notice not be issued immediately, in which case, such notice shall be issued as soon as the confidentiality requirements of the investigation so allow.

Section 38. — Obligation of Agencies in Relation to the Office. —

For purposes of this Plan, all public agencies that offer, render, administer or have jurisdiction over any proceedings, programs, funds, activities, benefits or services for persons with disabilities shall remit to the Office, and the latter shall be entitled to require the use of electronic media for agencies to send any such regulations, standards, executive orders, decisions, opinions, handbooks on procedures or services that under local and Federal law apply to persons with disabilities. Public agencies shall comply with the provisions set forth herein within thirty (30) days following the date the Office begins to operate. Subsequently and in any instance that any standards, rules or procedures are approved or repealed, or new requirements are established, or services and benefits offered by public agencies are broadened, eliminated or altered, such public agencies shall, within fifteen (15) days following the date any such action is taken, send to the Office such amendments or modifications, as the case may be, through electronic media.

Any public agencies of the Government of Puerto Rico and private entities that offer services such as evaluation, diagnosis, assistance, treatment, rehabilitation, education, and employment for persons with disabilities, shall give notice to the Office, from time to time, and at least once a year, about compliance with Federal and Commonwealth laws that guarantee the rights of this sector of the population or and their systematic plan for service continuity. They shall, likewise, give notice about persons who have been rehabilitated physically, mentally, and occupationally, persons who have completed their studies or who have been trained for a job, and any persons that to the best of their knowledge have entered into the job market, in order for the Office to account and keep any such statistical data and information as required under this Plan.

Such agencies and private entities shall also meet with the Office at least once every six (6) months to coordinate, develop, evaluate, modify, and implement each agency’s action plan, in order to ensure, effectively further, and provide continuity for services rendered to persons with disabilities.

Section 39. — Penalties. —

(a) The Advocate is hereby empowered to request that the Office of Management and Budget not approve budgets for any public agency with a specific responsibility under Act No. 51 of June 7, 1996, as amended, known as the “Integral Educational Services for Persons with Disabilities Act,” that fails to include an item in its budget to meet its obligations. The Advocate is also empowered to impose administrative fines, after notice and hearing, pursuant to and up to the amounts provided for in Act No. 44 of July 2, 1985, as amended, and any other law which so authorizes.

(b) Any person who willfully and maliciously hinders or obstructs the Advocate or his/her Office’s personnel from discharging their functions, or who submits false information fully aware of its falsehood, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine not greater than five hundred dollars (\$500) or by imprisonment for a maximum term of six (6) months, or both penalties, in the discretion of the court. When such officials are impeded or obstructed as set forth in subsection (a) by means of intimidation, force or violence, such action shall constitute a felony, and upon conviction of any such person, he/she shall be subject to the penalties set forth in Article 17 of Act No. 149 of 2004, as amended, known as the “Penal Code of the Commonwealth of Puerto Rico,” or any Code approved in substitution thereof.

CHAPTER VII. — REPEALS

Section 40. — Repeals. —

- (a) Act No. 2 of September 27, 1985, as amended, known as the “Office of the Disabled Persons Investigation Official Act,” is hereby repealed;
- (b) Act No. 57 of June 27, 1987, as amended, known as the “The Veterans’ Advocate Office,” is hereby repealed;
- (c) Act No. 11 of April 11, 2001, as amended, known as the “Organic Act of the Office of the Advocate for the Patient Beneficiary of the Health Reform,” is hereby repealed;
- (d) Act No. 203 of 2004, as amended, known as the “Office of the Advocate for the Elderly Act,” is hereby repealed.

CHAPTER VIII. — GENERAL PROVISIONS

Section 41. — Adjudication Proceedings. —

The adjudication proceedings carried out in each Advocate’s office shall be governed by 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,” and the regulations adopted therefor by each Advocate, including all that pertains to recourses for court review and reconsideration of an unfavorable ruling and his/her power to impose or collect administrative fines, as provided in this Plan.

Section 42. — Fines and Penalties. —

Advocates may impose fines and penalties pursuant to 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,” and the regulations adopted therefor by each Advocate.

Any person who willingly and maliciously prevents or hinders the exercise of the duties of any Advocate, the Administrator or his/her office personnel or knowingly furnishes false information shall be guilty of a misdemeanor and upon conviction shall be punished by a fine that shall not exceed five hundred dollars (\$500) or by imprisonment for a maximum term of six (6) months or both penalties, at the discretion of the Court.

Section 43. — Creation of the Advocates’ Office Advisory Councils. —

The Advocates are hereby empowered to appoint Advisors that shall constitute the Advisory Council of their corresponding Offices. Such appointments shall be submitted to the consideration of the Governor of Puerto Rico for his/her approval. Each Advisory Council, except for the Veterans’ Advocate Advisory Council, shall be composed of five (5) Advisors, which shall be persons of moral probity, recognized capability, leadership, and who can properly represent the sector of the population represented by their corresponding Advocates’ Offices.

Advisors shall be appointed as follows: two (2) shall be designated for a three (3) -year term, two (2) for a two (2)-year term, and one (1) for a one (1)-year term. Subsequently, when

reappointing Advisors, their terms shall be of two (2) years. In case of vacancies, the Advocate, with the approval of the Governor of Puerto Rico, shall designate another person identified with and committed to the sector of the population represented with respect to which the vacancy occurs. The person thus appointed shall discharge his/her functions for the remainder of the unexpired term of the Advisor who caused the vacancy.

The Veterans’ Advocate Advisory Council shall be composed of one member of each of the veterans service organizations recognized by the Department of Veterans’ Affairs in Puerto Rico, four (4) members representing the public interest, the Secretary of Labor and Human Resources, the Secretary of the Treasury, the Secretary of Education, the Director of the Office of Human Resources of the Commonwealth of Puerto Rico, the Advocate for Persons with Disabilities, and the Resident Commissioner for Puerto Rico in Washington. The members of each of the veterans’ service organizations recognized by the U. S. Department of Veterans’ Affairs in Puerto Rico shall be selected by their respective organizations, to serve for a three (3)-year term each. The four (4) members representing the public interest shall be appointed by the Advocate with the approval of the Governor of Puerto Rico, to serve for a two (2)-year term each. Subsequently, when reappointing the Advisors, their terms shall be of two (2) years. In case of vacancies, the Advocate, with the approval of the Governor of Puerto Rico, shall designate another person to fill such vacancy, provided that in case a member of the veterans organizations, such organization shall be the one that recommends the appointment, which person shall hold such office until the term for which the substituted member was appointed has expired.

A quorum shall be determined by the simple majority of the Advisors. The Advisors shall elect a Chair from among the members and their agreements shall be reached by the majority of members present, after a quorum has been constituted. Each Advisory Council shall adopt regulations to govern their work, deliberations, and execution of their duties. The Administrator shall provide the Advisory Councils with the facilities, equipment, materials, and human resources necessary to comply with their mandate.

Each Advisory Council shall meet at least four (4) times a year and their members shall render their services ad honorem.

Section 44. — Duties of the Advocates’ Office Advisory Councils. —

Each Advisory Council shall have, among others, the following duties:

- (a) To advise the Administrator and the Advocate on any matters in connection with claims related to education, training, employment, selfmanagement, economic development, permit processing, housing, healthcare, environment, among others;
- (b) To advise, as required by the Administrator, the Advocate or through designation by the Governor, with respect to any Federal or Commonwealth program that requires the participation of a Council to guarantee access to funds and the sound administration thereof under any Federal or Commonwealth applicable law;
- (c) To assess public policies to foster actions that inure to the benefit of the represented sectors and the citizenry in general;
- (d) To assess and provide recommendations that address consultations referred by the Administrator and the Advocate;

- (e) To advise the Office on the establishment of criteria to evaluate the programs and projects developed pursuant to this Plan and make recommendations to the Advocate as he/she deems pertinent;
- (f) To make recommendations as to systems and methods geared toward the integration of the programs developed by the Government to address the needs of the population serviced by Advocates;
- (g) To make recommendations to the Office with respect to the regulations and norms adopted under this Plan;
- (h) To advise the Office on the devising and administration of an annual work plan and proposals of the Office; and
- (i) Any other duty that is necessary for compliance with this Plan.

Section 45. — Exemptions. —

The Office shall be exempted from payment and cancellation of any kinds of stamps, fees and duties required for filing and processing any writ, action, or proceeding or for obtaining copies of any document before the Courts of justice and administrative agencies of the Government of Puerto Rico.

Section 46. — Viewpoint of the Agency or Municipality Complained or Under Investigation. —

When a complaint is filed or an investigation is launched against an agency, including municipalities, private entities, the Office of the Administrator, and the Advocates’ Offices, a term of twenty (20) days shall be granted for the complained to present its argument or position regarding the complaint filed, and the proposed investigation or adjudication, prior to the issue of a final opinion or recommendation.

Section 47. — Noncompliance with Duties or Violations of Law. —

If the Advocates shall find that any official or employee of an agency or municipality has failed to comply with the duties germane to his/her office or job, has been negligent in the discharge thereof, or has violated a law in the discharge of his/her functions without reasonable justification, he/she shall report it to the competent authorities, organizations, or administrative forums so they can take the corresponding action.

Section 48. — Immunity. —

The Administrator, the Advocates, and their employees and officials shall enjoy governmental immunity in what pertains to civil and criminal liability due to the resolutions and recommendations issued as a result of any investigation or adjudication made, in compliance with the provisions of this Reorganization Plan or the laws that empower Advocates to act in defense of the rights of the people and the multiple sectors of the population covered under this Plan.

Section 49. — Annual Reports. —

Every fiscal year, the Administrator shall file a Report with the Governor, the Office of Management and Budget, and the Legislative Assembly that encloses a budget request for the corresponding fiscal year.

These Reports shall contain the consolidated information of the AOA, as well as the information of the Advocates’ Offices regarding their efforts, studies, and investigations during the previous fiscal year. Likewise, he/she shall file, when pertinent or upon request, any other special report deemed convenient or as requested by the Governor or the Legislative Assembly.

Section 50. — National or International Organization Membership. —

The Advocates may join and represent Puerto Rico in any organization of the United States of America, as well as in any international organization associated with their jurisdiction in which other officials from the United States also participate. In the case of international organizations, their participation may never contravene the public policy of the Government of the United States of America, as outlined by the United States Department of State with respect to the participation of Puerto Rico in said organizations. The Advocates, prior to their participation in such organizations, shall seek the consent of the Secretary of the Department of State.

Section 51. — Transfers. —

Upon the effectiveness of this Plan, any document, record, material, and equipment, and the funds appropriated to the Office of the Advocate for the Elderly, the Office of the Advocate for Patients Beneficiaries of the Health Reform, and the Office of the Veterans’ Advocate shall be transferred to the Office of the Advocate for Pensioners and the Elderly, and the Office of the Healthcare Advocate, and the Office of the Veterans’ Advocate, respectively, created under this Plan. Likewise, any document, record, material, and equipment, and the funds appropriated to the Office of the Disabled Persons Investigation Official, created by virtue of Act No. 2 of September 27, 1985, as amended, shall be transferred to the Office of the Advocate for Persons with Disabilities, created under this Plan.

The Administrator, through regulations adopted to such effect, shall transact, receive, draw up, and execute the AOA and the Advocates’ Offices budget control, as well as determine the use and control of equipment, materials, and any property transferred to the Advocates’ Offices.

Section 52. — Human Capital, Delegation of Duties, and Retirement of Officials and Employees. —

(a) Employees of the Office of the Advocate for Patients Beneficiaries of the Health Reform, the Office of the Advocate for the Elderly, the Office of the Veterans’ Advocate, and the Office of the Disabled Persons Investigating Official, whose organic acts are repealed by this Plan, shall be transferred to the Office of the Healthcare Advocate, the Office of the Advocate for Pensioners and the Elderly, the Veterans’ Advocate Office, and the Office of the Advocate for Persons with Disabilities, as well as to the AOA, created by virtue of this Plan, as determined by the Administrator, pursuant to the powers granted by this Plan.

(b) Act No. 184 of August 3, 2004, as amended, known as the “Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,” shall apply to the human capital of the AOA and the Advocates’ Offices.

(c) The Administrator and the Advocates shall elect, at their discretion, to avail themselves of the benefits granted under the Public Employees Retirement Systems Act. Provided, that once the election is made it shall be deemed to be final.

(d) Transferred employees shall keep all their vested rights pursuant to the laws, norms, and regulations applicable thereto, as well as all privileges, obligations, and status with respect to any existing pension, retirement, or savings and loan fund system established by law of which they were participants prior to the approval of this Plan. Employees with regular status shall keep such status.

(e) The provisions of this Plan shall not be grounds for dismissal of any employee holding a regular position. Likewise, the provisions of other general or supplementary act shall not be grounds for dismissal of any employee holding a regular position in the agencies while undergoing reorganization under this Plan.

Section 53. — Applicability of Laws. —

The AOA and the Advocates’ Offices shall be exempted from the application of Act No. 164 of July 23, 1974, as amended, known as the “General Service Administration Act.” The Administrator shall adopt regulations to determine the corresponding processes in lieu of the application of the abovementioned Act.

As of the date of effectiveness of this Reorganization Plan, both the AOA and the Advocates’ Offices shall be exempted from the application of the provisions of Act No. 96 of June 29, 1954, as amended, known as the “Government Purchases and Services Act.” The Administrator shall adopt regulations to control such processes in the AOA and the Advocates’ Offices in lieu of the application of the abovementioned Act.

Section 54. — Transitory Provisions. —

Any regulations, orders, resolutions, circular letters, and other administrative documents of the Advocates’ Offices, provided that they are consistent with this Plan, shall remain in effect until these are amended, supplemented, repealed, or rendered ineffective by the Administrator, pursuant to the Plan.

Thirty (30) days after the approval of this Plan, the Administrator shall file a report with the Governor, which states the evaluation made together with each Advocate regarding the programs of each Advocate’s Office and their recommendations in terms of the need to transfer the programs, resources available, and the personnel to other agencies or entities, pursuant to the purposes of this Plan. Also, the Governor is hereby empowered to direct the Administrator, if he/she deems it necessary, to carry out in an orderly fashion the pertinent transfers to comply with the purposes provided herein.

Section 55. — Severability. —

If any clause, paragraph, section, or part of this Plan were to be ruled unconstitutional by a competent Court, such ruling shall not affect or invalidate the remaining provisions. The effect of such ruling shall be limited to the clause, paragraph, section, or part of this Plan ruled unconstitutional.

Section 56. — Effectiveness. —

This Plan shall take effect immediately after its approval. Both the AOA and the Advocates’ Offices shall take the necessary actions for the establishment of the internal, programmatic, and budgetary structures, as well as the account structure required to carry out the accounting of their funds, with the coordination and advice of the Office of Management and Budget, within a term that shall not exceed thirty (30) calendar days as of the effectiveness of this Plan.

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.