AN ACT

To regulate the practice of Psychoactive Substance Use Prevention Specialists in Puerto Rico; to create the Evaluating Commission for Psychoactive Substance Use Prevention Specialist Certification, set forth its responsibilities, and establish the requirements to obtain certification; to fix penalties for violations of this Act; to appropriate initial funds; and for other purposes.

STATEMENT OF MOTIVES

Article II, Section 16 of the Constitution of Puerto Rico recognizes the right of all people to freely select their occupation. On the other hand, Section 20 of that same Article recognizes the right of all people to enjoy a standard of living adequate for ensuring the health, the well-being, and the ability to obtain the necessary social services.

Prevention is the most useful mechanism in successfully dissuading minors from considering using drugs or other substances while growing. However, prevention programs have been overlooked, historically speaking, owing to the fact that the results yielded by these programs are difficult to measure and are seen in the long run. This should not deter us in addressing the need to improve the quality of prevention services by requiring that any persons interested in working in prevention should be well educated. We cannot resort to the argument that prevention is a matter that concerns us all in order to presume that all of us are capable of providing quality services,
not to mention when the recipients of these services are our children and teenagers. At present, federal legislation requires prevention programs to be scientifically based, that is, to yield results that are measurable. This, in turn, compels us to have the persons devoted to prevention better educated in the areas of research, evaluation, and knowledge regarding drugs and their effects.

The increase in drug use and trafficking in Puerto Rico for the past decade has required the intervention of service providers whose main objective has been prevention by dissuading persons from starting to use psychoactive substances. Studies of Youth Advisory I, II, III, and IV, from 1990 to 1998, reported minor but sustained increases in the tendencies to use cigarettes, alcohol and other drugs among school-age children at the middle and high school levels in both public and private schools in Puerto Rico. However, the results of Youth Advisory V, which comprise the period between 2000 and 2002, indicated a 5.6 percentage point decrease in the use of cigarettes among middle and high school students, both male and female.

According to reports furnished by the Mental Health and Addiction Services Administration as part of the federal proposal known as the State Incentive Grant, certain needs were identified in Puerto Rico in the area of substance use prevention. There are vacuums in the inclusion of multiple strategies due to the fact that most programs focus only on disseminating information and alternate activities. The document also identifies the need to evaluate programs as to their impact on the community, the municipality, the region, or Islandwide. This bill shall enable us to fill those vacuums by improving on the education of persons providing prevention services.

Prevention service providers use specialized knowledge and skills to raise awareness and modify attitudes which tolerate or promote the use of
psychoactive substances. Some of these providers offer primary intervention services to persons at risk of using psychoactive substances. The experience garnered from their work has enabled them to develop studies and research, strategies, and work plans, and to render services which meet the needs of the population. In Puerto Rico there is no occupational scheme for Psychoactive Substance Use Prevention Specialists. Furthermore, there is no vehicle whereby to certify this specialty, which would thus ensure the quality and efficiency of prevention services for psychoactive substance use. The better educated these prevention service providers are, the more efficient will their services be and the better the results that Youth Advisory studies will yield.

The need to certify Psychoactive Substance Use Prevention Specialists is not exclusive to Puerto Rico; several states of the American nation as well as various countries worldwide have already established certifying entities.

The Government of the Commonwealth of Puerto Rico recognizes the need to establish a certifying entity in order to be able to guarantee services of the highest quality in the area of psychoactive substance use for the general public. Therefore, this Legislature deems it necessary to establish the Evaluating Commission for “Psychoactive Substance Use Prevention Specialist” Certification.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.—Short Title.—

This chapter shall be known as the “Evaluating Commission for Psychoactive Substance Use Prevention Specialist Certification Act” in Puerto Rico.
Section 2.—Definitions.—

1. Teensagers – For purposes of the Commission, it shall mean minors from the age of twelve (12) to the age of seventeen (17) or who from the seventh (7th) to the twelfth (12th) grade.

2. Assessment – A process whereby the needs of a specific population are identified, as well as the resources available to develop prevention services. It is a fundamental component in objective development, strategy selection, activities and general design of prevention programs.

3. Grandfather Clause – A provision that allows persons who practice a profession or trade about to be regulated, to continue practicing in an authorized manner. In the case of professions that shall require license renewal, the grandfather clause recognizes the practice of the profession until the next date for renewal.

4. Client/Participant – A person who seeks, participates in or is referred to prevention services.

5. Collaboration – A process that leads to the creation of a shared vision and goals, directed toward addressing conditions and problems beyond the activity of a particular agency or entity. Resources and responsibilities are shared; there is a long-term commitment to manage complex social issues.


7. Competency – The knowledge in a specific area which renders a person capable to provide intervention and prevention services to individuals, groups, families, and communities.
8. Consultantship – The process of clarifying issues or providing information, alternatives or specific recommendations to individuals, organizations, or groups on prevention efforts. This includes providing appropriate technical assistance which will foster an understanding of the design and implementation of prevention efforts and their implications.

9. Prevention Strategy – A scientifically based activity, program, curriculum, or event that is designed and implemented to reduce risk factors and to reinforce protection factors in order to promote healthy and drug-free lifestyles.

10. Evaluation – Refers to the implementation of research techniques to gather data as to the effectiveness of the program. It is the process whereby the impact of a program is determined based on results and process indicators.

11. Protection Factors – Attitudes, behaviors, beliefs, situations, or actions that reinforce the stance against the use of psychoactive substances in a group, organization, individual, or community.

12. Risk Factors – Attitudes, behaviors, beliefs, situations, or actions that place a group, organization, individual, or community at risk of developing problems with the use of psychoactive substances.

13. Indicators – Data that point to the existence of a condition or variable within a system under study.

14. Young Adults – For purposes of the Commission, it shall be the population constituted by citizens between the age of eighteen (18) and the age of twenty-four (24).

15. Children – For purposes of the Commission, it shall be the population constituted by minors in elementary school, from pre-kinder to
the sixth grade. They are deemed to be the minors between the age of four (4) and the age of eleven (11).

16. Prevention – A process which aims to empower individuals and systems to effectively meet life’s challenges and transitions by creating and reinforcing the conditions which promote healthy lifestyles and behaviors.

17. Recommended Prevention – A prevention strategy aimed at people who have used or experimented with psychoactive substances and show some kind of sign or symptom associated with the use thereof.

18. Selective Prevention – A prevention strategy aimed at people at a high risk of beginning to use psychoactive substances.

19. Universal Prevention – A prevention strategy with a general and broad intervention perspective, aimed at the entire population.

20. Community-based Program – A service structure that encourages participants to have the greatest degree of autonomy possible and to collaborate with each other in the search and implementation of strategies to prevent or solve problems associated with the substance use that affects them.

21. Scientifically-based Prevention Program – Comprehensive programs based on scientific studies that have proven effective and are aimed at reducing risk factors and reinforcing protection factors.

22. Psychoactive Substance – A chemical substance that alters the mood, behavior and cognitive processes, its main effects being experienced in the central nervous system.

23. Volunteers – People who offer prevention services under the supervision of a certified specialist, without receiving pay or compensation for their services.
Section 3.—Creation of the Evaluating Commission for Psychoactive Substance Use Prevention Specialist Certification.—

The Evaluating Commission for Psychoactive Substance Use Prevention Specialist Certification is hereby created in Puerto Rico, to exist perpetually, attached to the Department of Health. The Commission shall be in charge, among others, of issuing, suspending or revoking certifications to exercise the profession of Psychoactive Substance Use Prevention Specialist or Assistant.

The members of this Commission, to be appointed by the Governor, shall work on a volunteer basis, *ad honorem*, and shall not receive any compensation for discharging their duties, but rather, their motivation shall be a legitimate interest in the improvement of the quality of life in Puerto Rico and in being able to contribute by exercising their functions *pro bono*.

Appointments shall be made every three years. No person may be appointed for more than two consecutive terms, except when he or she has been elected President and/or Secretary. Any vacancy arising before a the term has lapsed shall be covered for the time remaining in said term.

The Governor may remove any member of the Commission for any crime that implies moral turpitude in the discharge of his/her office or for failure to fulfill the obligations entailed by said office.

Section 4.—Organization.—

The Evaluating Commission for Psychoactive Substance Use Prevention Specialist Certification shall be composed of seven (7) persons of proven capabilities and leadership, of legal age and residents of Puerto Rico. A commissioner shall serve for a period of three (3) years, except when elected president, for which two (2) additional years shall be conferred in order for him/her to discharge his/her functions, or when elected secretary,
for which one (1) additional year shall be conferred. These positions shall be filled on an elective basis, by the vote of the members of the Commission. The president shall be elected one year before the president in office completes his/her term; thus, the former may study under and collaborate with the latter during his/her last year of tenure.

The Evaluating Commission for Psychoactive Substance Use Prevention Specialist Certification shall be constituted by: one (1) member to represent an accredited university institution; one (1) member to represent faith-based organizations providing prevention services; one (1) member to represent community-based organizations; one (1) member to represent private sector entities engaged in human development, community service, education, prevention, and rehabilitation; one (1) member to represent the government sector; one (1) member to represent the Mental Health and Addiction Services Administration; and one (1) member from the citizenry to represent the public interest.

The member representing the community or the public interest must be recommended by two or more members of the Commission. This commissioner is different from the commissioner representing community-based organizations. The community or public interest commissioner, if he or she has been through rehabilitation, shall have a minimum of two (2) years from having completed his/her recovery process and be motivated by a genuine interest in the prevention of psychoactive substance use. At the same time, he she shall not have relatives up to the fourth degree of consanguinity or second degree of affinity who have participated or are participating in a business or professional field associated with psychoactive substance use prevention, and he or she must not have had
a financial interest with a person subject to the regulations of the Commission for two (2) years preceding his/her appointment.

Members of the Commission shall be appointed by the Governor after recommendations from the represented sectors have been submitted. Each sector shall submit their candidates in light of the criteria established in this Act. In the government sector, the secretaries and/or administrators of the public agencies shall designate a candidate that meets the requirements set forth in this Act. On the other hand, nongovernment organizations shall recommend their candidates in order for the Governor to be duly advised when making his/her selection.

The Commission shall create through regulations, all the committees it deems necessary to exercise the functions provided for in this Act.

Section 5.—Authorities.—

The Evaluating Commission for Psychoactive Substance Use Prevention Specialist Certification, which groups together Psychoactive Substance Use Prevention Specialists in Puerto Rico, shall have the authority to:

(a) Evaluate the academic and personal credentials of applicants for certification as Psychoactive Substance Use Prevention Specialists in Puerto Rico.

(b) Issue and renew certifications for or re-certify persons interested in practicing the profession of Psychoactive Substance Use Prevention Specialist in Puerto Rico.

(c) Revoke the certification of persons who do not meet the requirements established under Section 14 of this Act.

(d) Own and use a seal that it may alter at will.
(e) Acquire rights and property, both personal and real, through donation, bequest, contributions by its own members, purchase, or otherwise, and own, mortgage, lease and dispose of the same in any way.

(f) Elect the community or public interest commissioner.

(g) Elect its president and its secretary.

(h) Adopt by-laws, which shall be compulsory for all its members, and amend them in the manner and under the requirements established therein.

(i) Exercise incidental authorities as necessary or convenient to serve the purposes of its creation and which are not in disagreement with this chapter.

(j) Establish a mechanism that assures the quality of the psychoactive substance use prevention services offered.

(k) Guarantee the ethical conduct of psychoactive substance use prevention service providers through the designation of an Ethics Committee, through which the public will be able to present complaints regarding any inappropriate conduct or practice from these specialists in the exercise of their functions.

(l) Advise the Secretary of Health or the Governor of the Commonwealth of Puerto Rico when prevention practices do not respond to the public policy or to the needs of the population being served.

(m) Receive and investigate complaints against Prevention Specialists and Assistants, as well as summon witnesses, require documents, and take oaths, the preceding being in conformance to the provisions of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act.”
Section 6.—Duties of the Evaluating Commission for Psychoactive Substance Use Prevention Specialist Certification.—

(a) To adopt and implement a Code of Ethics for Psychoactive Substance Use Prevention Specialists.

(b) To manage, through its Ethics Committee, the complaints brought by the public being served.

(c) To certify applicants who meet the established requirements.

(d) To revoke the certification of specialists who breach the Code of Ethics and/or incur inappropriate behavior as set forth in the law.

(e) To adopt the By-laws of the Evaluating Commission for Psychoactive Substance Use Prevention Specialist Certification.

(f) To assume the responsibility of enforcing the Act for Psychoactive Substance Use Prevention Specialist Certification.

(g) To see that the Psychoactive Substance Use Prevention Specialist Register be kept within the parameters established through regulations adopted to that effect.

(h) To provide the list of the newly certified Psychoactive Substance Use Prevention Specialists within a term not greater than sixty (60) work days from the date of issue of the certification.

(i) To guide and educate the general population on the quality of the services offered by psychoactive substance use prevention programs and to promote the same.

(j) Perform any other task in addition to those consigned when pertinent to comply with the provisions of this Act.

(k) The Commission shall help identify the human and financial resources necessary in order for the employees of duly accredited nonprofit organizations that render these services at present to be able to obtain the
education and basic knowledge as listed in Sections 11 and 12 so that they may obtain the certifications and competencies required.

Section 7.—Per Diems for the Commission.—

Members of the Commission shall be entitled to receive a per diem equal to the minimum per diem established for members of the Legislature of Puerto Rico per day or fraction thereof for each meeting they attend or for each day they render services to the Commission, plus they shall be entitled to compensation for mileage as established in the regulations of the Department of the Treasury.

A member who receives a merit pension or a pension for years of service or an annuity from the Retirement Systems Administration of the Employees of the Commonwealth of Puerto Rico or from any of its agencies, instrumentalities, public corporations, or political subdivisions, may receive per diems without his/her right to retirement pension or annuity being affected.

Section 8.—Requirements.—

In order to be considered, members of the Commission—hereinafter the commissioners—are required to have five (5) years experience in the field of psychoactive substance use prevention in Puerto Rico within a period not greater than seven (7) years prior to their appointment, to be committed to the public policy on prevention, to present their professional credentials or curriculum vitae, and to have as minimum educational level a bachelor’s degree, preferably in the field of Social Sciences, Health Sciences, Education, or related areas. This requirement to have a bachelor’s degree does not apply to the commissioner representing the public interest.

Commissioners are required to have knowledge, experience, and a command of at least three (3) of the following areas:
(1) Program Coordination;
(2) Education and/or Competency in General and/or Psychoactive Substance Abuse Prevention;
(3) Community Service;
(4) Public Policy;
(5) Evaluation and Planning;
(6) Professional Development; and
(7) Professional Ethics.

Commissioners are required to have a valid license and/or association membership as established by their professional field.

Section 9.—Sole Register for Prevention Specialist of the Evaluating Commission for Psychoactive Substance Use Prevention Specialist Certification.—

The Evaluating Commission for Psychoactive Substance Use Prevention Specialist Certification shall provide the Department of Health with a list of the newly certified Prevention Assistants and Prevention Specialists not later than sixty (60) days from the date the certification was issued.

The Department of Health shall keep an updated register of all Psychoactive Substance Use Prevention Assistants and Specialists who are duly certified to practice their profession in Puerto Rico. Said register shall bear the name of the Psychoactive Substance Use Prevention Specialists to whom certification has been issued, the date of issue, certification number, and term of effectiveness, as well as a side note on any suspensions, revocations, cancellations or re-certifications.
Section 10.—Prevention Specialists – Levels.—

The persons who meet the requirements provided for in this Act may apply for certification in the level of their choosing as provided for in regulations.

The levels of certification established by this Act are:

- Prevention Assistants
- Prevention Specialists

Section 11.—Minimum Requirements to Apply for Certification.—

A) Psychoactive Substance Use Prevention Assistant Certification.—

All persons who meet the following requirements may apply for certification as psychoactive substance use prevention assistant:

1. Two (2) letters of recommendation from qualified persons, such as a supervisor of paid or volunteer work, a college or university professor who is knowledgeable in the field, or a community leader in prevention.
2. Completed high school education level, for which evidence of education shall be presented.
4. A basic knowledge of the areas listed in Section 12 of this Act.
5. Knowledge in the field of tobacco, alcohol and other drug use prevention and/or psychoactive drug addiction prevention.
7. A certificate attesting that applicants have a minimum of one (1) year supervised experience in the area of psychoactive...
substance addiction prevention by a health professional in the area of mental health or by a professional in related areas. 

(8) Be working under the direct supervision of a Prevention Specialist.

B) Psychoactive Substance Use Prevention Assistant Certification.—

(1) A minimum of two (2) years supervised experience in which applicants have provided satisfactory psychoactive substance use prevention services in Puerto Rico.

(2) Two (2) letters of recommendation from qualified persons, such as a supervisor of paid or volunteer work, a college or university professor who is knowledgeable in the field, or a community leader in prevention.

(3) Completed bachelor’s degree education minimum which includes basic courses in the areas listed in Section 12 of this Act, for which evidence of education shall be presented.

(4) Birth Certificate.

(5) Knowledge in the field of tobacco, alcohol and other drug use prevention and/or psychoactive drug addiction prevention.

(6) Criminal History Certificate issued by the Puerto Rico Police.

Persons working as volunteers for prevention-related private entities or government agencies under the supervision of a certified specialist are hereby exempted from meeting these requirements. The agency or entity must certify that said volunteers are capable of providing prevention services.
The education, experience and specific courses to be required for candidates to Prevention Assistant and Prevention Specialist certification, as well as the evaluation mechanism to be used to grant certification, shall be determined through Regulations adopted by the Commission to that effect.

Section 12.—Duties of Psychoactive Substance Use Prevention Assistants and Specialists.—

A) Prevention Assistants, under the direct supervision of a Psychoactive Substance Use Prevention Specialist.—

(1) To provide information to individuals or community groups who wish to adopt healthy, drug-free lifestyles.

(2) To provide scientific information, develop prevention activities, and provide early intervention services to individuals, families and groups at risk.

(3) To provide opportunities for the exchange of information and the development of skills.

(4) To use and coordinate innovative public relations and common techniques to maximize the impact of prevention messages.

(5) To recognize the limitations of their professional competencies and be capable of referring and using other related services.

(6) To recognize and abide by the Code of Ethics for Psychoactive Substance Use Prevention Specialists.

(7) To handle results from evaluations, intervention plans, reports, progress notes, summaries, and other data related to client/participant records pursuant to the regulations on confidentiality in effect.
B) Prevention Specialists.—

(1) To identify problems such as experimentation, use and abuse of psychoactive substances which affect the general public and to provide the necessary support on a case-by-case basis.

(2) To provide information, education, training, and consultant services to individuals or community groups that wish to adopt healthy, drug-free lifestyles.

(3) To provide scientific information, develop prevention activities and provide early intervention services to individuals, families and groups at risk.

(4) To conduct a necessity study to identify risk factors specific to psychoactive substance use prevention.

(5) To see that the information presented to the population served be concrete and strategic.

(6) To provide active support in identifying prevention priorities for a specific population and causes in order to influence the public policy at the corresponding forum.

(7) To facilitate formal and informal connections between persons and systems in order to share information, resources, and mutual support.

(8) To provide opportunities for the exchange of information and the development of skills.

(9) To use and coordinate innovative public relations and common techniques to maximize the impact of prevention messages.

(10) To raise awareness in public communicators so that prevention messages are clear and effective when transmitted.
(11) To recognize the limitations of their professional competencies and be capable of referring and using other related services.

(12) To recognize and abide by the Code of Ethics for Psychoactive Substance Use Prevention Specialists.

(13) To handle results from evaluations, intervention plans, reports, progress notes, summaries, and other data related to client/participant records pursuant to the regulations on confidentiality in effect.

Section 13.—Requirements (Competencies).—

The Commission shall issue a certification to practice the profession of Psychoactive Substance Use Prevention Assistant or Specialist to all candidates who meet the following requirements:

1. Knowledge in Psychoactive Substance Use/Abuse – To be knowledgeable in the different psychoactive substances, their effects and consequences on physiological, psychological, behavioral and cognitive functions of individuals.

2. Evaluation – To be knowledgeable and to use evaluation methods as applicable under the parameters established through regulations, and to implement them adequately in their job.

3. Necessity Assessment – To recognize and use the most adequate strategies to conduct necessity studies and assessments.

4. Program Development – To consider and recognize that persons participating in their programs have their dignity and potential, and therefore, to seek to make them participants in and integrate them into the program planning, implementation and evaluation processes.
5. Community Resource Identification – To be knowledgeable as to the resources available in the community and the procedure to access the same.

6. Educational Communication – To be able to effectively communicate prevention concepts and ideas orally, in writing, or using signs and symbols. To encourage mass, group and interpersonal communication activities on psychoactive substance use prevention to be made an integral part of health education and of developing healthy drug-free lifestyles.

7. Program Implementation – To carry out prevention activities or to promote the development of skills by using diverse strategies pursuant to the goals and needs of participants.

8. Public Communication – To collaborate with the public broadcasting media, in order to guarantee objective and appropriate information, in the design, execution and evaluation of campaigns aimed to raising community sensitivity.

9. Document/Record Management – To appropriately manage participant- and program-related documents while observing confidentiality procedures pursuant to the pertinent laws and regulations.

10. Collaborative Liaisons – To establish collaboration relations locally, island-wide, and internationally with providers, colleague professionals or organizations, in order to share prevention techniques and achievements, and to identify new ideas for programs.

11. Consultantship – To clarify matters or to provide specific information, alternatives or recommendations to individuals, enterprises, schools, community-based organizations, organizations in general, or groups regarding the prevention efforts being conducted in said context. To provide
technical assistance in order to propitiate an understanding of the implications of prevention and the development of prevention-related goals.

12. Early Intervention and Referral – To identify environmental, physiological, attitude or behavioral patterns that are indicators of the potential for the unlawful or harmful use of psychoactive substances. To implement recommended prevention strategies to offset risk factors and to facilitate the change to a healthy lifestyle. To identify the treatment needs of individuals with a chemical dependency and to facilitate their referral.

13. Ethical Professional Responsibility – To exhibit a professional and ethical conduct.

14. Personal and Professional Development – To recognize their values and attitudes, as well as their strengths and competency areas in order to improve both as persons and as professionals.

15. Legal Aspects – To show to be knowledgeable in the legal aspects and the rights of individuals as they apply in their work setting. To take into account diversity factors such as race, gender, culture, and morals, when developing prevention activities.

All persons interested in applying for certification shall show proof of their competencies, regardless of their academic degree and experience in the field of prevention.

Certification levels shall be established on the basis of the applicants’ competencies, command, education, and years of experience providing, designing and/or directing prevention services. Certification level requirements shall be established in the Regulations of the Commission. The Commission shall have the authority to recommend to applicants any necessary action to fulfill their competency requirements.
Section 14.—Continuing Education.—

Psychoactive Substance Use Prevention Assistants and Specialists applying for re-certification must complete a minimum of thirty (30) continuing education credit-hours within a period of three (3) years.

Of these thirty (30) hours, six (6) hours shall be in the area of Psychoactive Substance Use Prevention, three (3) hours in Prevention Legal Aspects and Ethics, three (3) hours in Sexually Transmitted Diseases (STDs), three (3) hours in Evaluation and Measurement, six (6) hours in Antisocial Behavior, and six (6) hours in any of the following: Primary Intervention with the Family, Prevention Models, Educational Communication, and/or Signs and Symptoms of Psychoactive Substance Use, and three (3) hours in related subjects. These courses shall correspond to the training needs as per the certification level established in the Regulations.

Continuing education evidence must be submitted in original and issued by a professional group or institution duly certified under the law as an authorized Continuing Education provider by the Department of Health of Puerto Rico, through its Health Professional Certification and Regulation Office.

Section 15.—Grandfather Clause.—

During the first twenty-four (24) months after the Commission for Certification has been appointed, the same may issue Psychoactive Substance Use Prevention Specialist or Assistant Certifications to all applicants who meet the requirements listed in Section 11 and also present evidence of having performed functions compatible to those of a Psychoactive Substance Use Prevention Specialist or Assistant for the last two (2) years prior to the constitution of the Evaluating Commission.
Professionals certified by virtue of this clause are authorized to continue practicing their profession until the next date for certification renewal. As part of the grandfather clause, the certification to be issued shall depend on the corresponding classification.

In addition to the requirements listed in Section 11, the evidence to be presented shall be:

(a) A certification as to having five hundred (500) hours working (for pay or as a volunteer) experience in tasks related to Psychoactive Substance Use Prevention.

(b) Employment certification, on which their functions related to Psychoactive Substance Use Prevention shall be described.

(c) A certification as to having taken six (6) hours in special population training.

(d) A certification as to having taken six (6) hours in ethical aspects and confidentiality training.

In case an applicant fails to meet a requirement in order for the grandfather clause to be applicable, the Commission may grant the applicant a reasonable term, not to exceed one (1) year, so that he or she may meet the same, except time requirements.

Section 16.—Power to Suspend, Revoke, or Deny Certification Renewal.—

The Evaluating Commission for Psychoactive Substance Use Prevention Specialist Certification shall be empowered to suspend, revoke or deny renewal of a certification issued to any Prevention Specialist or Prevention Assistant, if it is found that said person has incurred any of the following practices:
(a) He or she has been declared to be mentally unfit by a competent court, or if his or her disability is established before the Commission by medical experts, provided that the certification may be issued as soon as the person is declared to be fit again and meets the requirements provided for in this Section.

(b) He or she is an alcoholic, a drug user, or a user of other psychoactive substances which interfere with his/her mood and cognitive processes, and he or she does not present evidence that he or she is under rehabilitation; provided that the certification may be issued once this person presents evidence that he or she is fit and meets the requirements provided for in this Act.

(c) He or she has been on probation or parole for a crime and has been released from court supervision for a minimum term of two (2) years before applying for certification.

(d) He or she has obtained certification or has pressured another into obtaining certification through fraud or deceit.

(e) He or she has been convicted of a felony or a crime which implies moral turpitude.

(f) He or she has incurred, in the judgment of the Ethics Committee of the Commission, dishonest conduct, incompetence or gross negligence in the practice of his/her specialty.

(g) He or she is proven to be in breach of the Code of Ethics for Psychoactive Substance Use Prevention Specialists after a complaint has been processed by the Ethics Committee of the Commission.

(h) He or she is proven to be in breach of any of the provisions of the regulations of the Commission.
(i) He or she is found guilty of violating any ethical principle as defined in the Code of Ethics for Psychoactive Substance Use Prevention Specialists pursuant to the sanctions established in the Regulations of the Commission.

Any injured party may file a complaint before the Evaluating Commission for Psychoactive Substance Use Prevention Specialist Certification or before the Department of Health against a Prevention Specialist who incurs violations of this chapter. The complaint shall be presented in writing and be sworn to by the person lodging the same before a notary public.

The Commission shall investigate the complaint and take action within sixty (60) work days from the date the complaint was filed. The Commission shall be under the obligation to notify the person accused of violating the law, to give him/her a copy of the complaint, and to notify him/her of the exact date and place in which a hearing shall be held. The procedure provided for herein shall be established through regulations.

All orders or resolutions of the Commission suspending, revoking or denying the renewal of a certification after having expended the Administrative Procedures established in the Regulations, may be reviewed by the Court of Appeals within a term of thirty (30) days from the date of notice to the person concerned of the decision.

Section 17.—Reciprocity.—

The Evaluating Commission for Psychoactive Substance Use Prevention Specialist Certification may establish reciprocity agreements with state, territorial, or freely associated jurisdictions of the United States of America which regulate psychoactive substance use prevention services by a reciprocity agreement with its homologous entity in said jurisdiction.
The agreement shall specify that the Commission shall issue the pertinent certification to applicants that meet the same or a greater number of requirements to obtain the same. The Commission shall not issue a certification on a reciprocity basis to an applicant under investigation in another geographical jurisdiction, being accused of an act that could constitute a violation of this Act, until the investigation is concluded and the Commission determines to do so.

Section 18.—Appropriation of Funds.—

The sum of twenty thousand (20,000) dollars is hereby appropriated, effective July 1, 2004, from the General Fund, to defray the operating expenses of the Commission and for necessary expenses incurred in implementing this Act during fiscal year 2004-2005. In subsequent years, the operating expenses of the Commission shall be defrayed with funds collected from fees charged. The funds collected by virtue of the issue of certifications, examination costs, publications, and other fees needed to meet the purposes of this Act shall be deposited into the Special Examining Board Fund of the Department of Health for the exclusive use of the Evaluating Commission for Psychoactive Substance Use Prevention Specialist Certification and to cover operating expenses.

Section 19.—Penalties.—

(a) Any person practicing the profession of Psychoactive Substance Use Prevention Specialist or Assistant in Puerto Rico, or who advertises as such without having a certification duly issued by the Evaluating Commission for Psychoactive Substance Use Prevention Specialist Certification, or who during the suspension of his/her certification practices as a person authorized to practice, shall be guilty of a misdemeanor and upon conviction be imposed a fine not greater than five thousand (5,000)
dollars or imprisonment for a term not to exceed six (6) months, or both penalties, at the discretion of the Court.

(b) Any person who deliberately provides false information in order to obtain a Psychoactive Substance Use Prevention Specialist certification under this chapter shall be guilty of a misdemeanor and his/her conviction shall entail a fine not greater than five thousand (5,000) dollars or imprisonment for a term not to exceed six (6) months, or both penalties, at the discretion of the Court.

Section 20.—Effectiveness.—

This Act shall take effect ninety (90) days from the date of its approval, except for the provision concerning the appropriation of funds of Section 46 18, which shall take effect as of July 1, 2004.
CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 369 (H.B. 4523) of the 7th Session of the 14th Legislature of Puerto Rico:

AN ACT to regulate the practice of Psychoactive Substance Use Prevention Specialists in Puerto Rico; to create the Evaluating Commission for Psychoactive Substance Use Prevention Specialist Certification, set forth its responsibilities, and establish the requirements to obtain certification; to fix penalties for violations of this Act; to appropriate initial funds; and for other purposes,

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

In San Juan, Puerto Rico, today 8th of June of 2006.

Francisco J. Domenech
Director