

(H. B. 1475)

(No. 26)

(Approved July 20, 2005)

AN ACT

To amend Sections 1 and 2, subsection (b), 3 subsections (e, f, g, h,) 5, 7, 8, 9, 10, 14, and 15 of Act No. 86 of July 2, 1987.

STATEMENT OF MOTIVES

In 1987 this Legislature approved Act No. 86 with the purpose of creating the College of Licensed Practical Nurses of Puerto Rico. Through the years this institution has served many health professionals who are members of this College. Furthermore, it has organized itself so as to constitute a dynamic, avant-garde college with more than 19,000 active members. However, throughout time the needs and obligations of the College have increased. The College of Licensed Practical Nurses of Puerto Rico has requested that we amend the law that created the College in order to address present needs and be prepared for future actions.

With this legislative measure, the best interests of health professionals who have devoted their lives caring for the ill in benefit of their health, are addressed.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- A sentence is hereby added to Section 1 of Act No. 86 of July 2, 1987, to read as follows:

“Section 1.- The practical male and female nurses are hereby authorized to practice as such in the Commonwealth of Puerto Rico to constitute themselves as a juridical entity or quasi-public corporation under the name

of College of Licensed Practical Nurses of Puerto Rico, provided that the majority of said persons do so resolve in a referendum which shall be held for such purpose as provided by Section 11 of this Act. The official domicile of the College shall be determined by the Governing Board of the College, without prior consultation to the Assembly.”

Section 2.- Subsection (f) of Section 3 of Act No. 86 of July 2, 1987, is hereby amended to read as follows:

“Section 3.- The College shall have the authority to:

(a) ...

(f) The College of Licensed Practical Nurses of Puerto Rico shall establish, through regulations, the benefits it shall offer to the College members, according to the financial capacity of the College.”

Section 3.- Subsection (g) of Section 3 of Act No. 86 of July 2, 1987, is hereby amended to read as follows:

“Section 3.- The College shall have the authority to:

(a) ...

(g) Adopt and implement, in coordination with the Examining Board, the code of professional ethics which shall govern the conduct of the College members.”

Section 4.- Subsection (h) of Section 3 of Act No. 86 of July 2, 1987, is hereby amended to read as follows:

“Section 3.- The College shall have the authority to:

(h) Receive and investigate any complaints made under oath regarding the conduct of its members in the practice of their profession, and to remit them for action to the Governing Board established in Section 6 of this Act, after a preliminary hearing

in which the defendant or his/her legal representative is allowed
...”

Section 5.- Section 5 of Act No. 86 of July 2, 1987, is hereby amended, to read as follows:

“Section 5.- After the first meeting of the Governing Board of the College, no male or female practical nurse who is not a member of the College shall practice this profession in Puerto Rico, and if he/she should so practice, shall be subject to the penalties established herein after.”

Section 6.- Section 7 of Act No. 86 of July 2, 1987, is hereby amended to read as follows:

“Section 7.- The officers of the College shall constitute the College Governing Board which shall consist of a president, a first vice-president, a second vice-president, a secretary, a treasurer and eight (8) board members, one for each Senate District.”

Section 7.- Section 8 of Act No. 86 of July 2, 1987, is hereby amended to read as follows:

“Section 8.- The regulations of the College shall provide for all in regard of its internal operations including that which concerns the functions and duties of all its bodies, calls, dates, quorum, forms and requirements of the General Assemblies and sessions of the Governing Board as well as its powers and duties; budget or investment and disposal of the assets of the Board.

It shall be stated ...”

Section 8.- Section 9 of Act No. 86 of July 2, 1987, is hereby amended to read as follows:

“Section 9.- Each year, the members shall pay fees on the date or in the manner established in the Regulations, which shall be fixed by the Regular

Assembly of the College. The quorum prescribed by regulations to fix fees shall be established by regulations.”

Section 9.- Section 10 of Act No. 86 of July 2, 1987, is hereby amended to read as follows:

“Section 10.- Any member who fails to pay his/her fees shall be considered as a passive member without right to voice nor vote for a period of time ...”

Section 10.- Section 14 of Act No. 86 of July 2, 1987, is hereby amended to read as follows:

“Section 14.- The College herein established shall assume the representation of all College members and shall have the authority to speak on their behalf and in their representation pursuant to the terms of this Act and the regulations to be approved, and shall implement the decisions adopted by the College members in the annual regular and special assemblies.”

Section 11.- Section 15 of Act No. 86 of July 2, 1987, is hereby amended to read as follows:

“Section 15.- Any person who practices the Profession of Practical Licensed Nurse in Puerto Rico without being duly registered as a College member and every person who acts or advertises as such without being duly licensed by the Board of Examiners, shall incur a misdemeanor and shall be punished with a fine of not less than two hundred fifty (250) dollars nor more than five hundred (500) or imprisonment for a term of not less than one (1) month nor more than two (2) months or both penalties at the discretion of the Court. In the case of recidivism, the fine shall not be less than five (500) hundred dollars nor more than one thousand (1,000) or

imprisonment for a term of not less than two (2) months nor more than six (6) months, or both penalties at the discretion of the Court.”

Section 12.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 26 (H.B. 1475) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Sections 1 and 2, subsection (b), 3 subsections (e, f, g, h,) 5, 7, 8, 9, 10, 14, and 15 of Act No. 86 of July 2, 1987,

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

In San Juan, Puerto Rico, today 24th of January of 2006.

Francisco J. Domenech
Director