

(H. B. 1464)

**(No. 63)**

(Approved August 23, 2005)

### **AN ACT**

To amend Sections 3, 4, and 5 of Section IV of Act No. 72 of September 7, 1993, as amended, known as the “Puerto Rico Health Insurance Administration Act,” in order to increase the number of ex-officio members in the Board of Directors from three (3) to four (4) and include the Administrator of the Mental Health and Addiction Services Administration as one of the ex-officio members of the Board of Directors of ASES (Spanish acronym) and reduce the number of members appointed by the Governor of Puerto Rico from six (6) to five (5).

### **STATEMENT OF MOTIVES**

The mission of the Mental Health and Addiction Services Administration (hereinafter “ASSMCA,” Spanish acronym), is to guarantee the rendering of prevention, treatment, and rehabilitation services in the mental health field, including controlled substances abuse, that are accessible, cost-effective, of excellent quality and offered in a respectful and confidential environment.

By its part, the Puerto Rico Health Insurance Administration (hereinafter “ASES,” Spanish acronym) is the public corporation responsible for the implementing, negotiating, and administering medical-hospital services plans based on health insurance. These plans seek to provide all residents of the Island access to medical-hospital care of first order,

regardless of the financial situation and ability to pay of those who require them.

The Board of Directors of ASES is in charge of the implementation of the health coverage offered to the people by the Government. At present, the Board is composed of nine (9) members, three of which are ex-officio officials, to wit, the secretaries of Health and Treasury, and the Insurance Commissioner. The remaining six (6) members are appointed by the Governor with the advice and consent of the Senate of Puerto Rico.

ASSMCA has the responsibility of establishing the Public Policy on Mental Health in Puerto Rico, while ASES is a contracting entity and neither creates nor establishes the Public Policy. The Administrator of ASSMCA is in charge of overseeing the operations and functioning for the agency's sound administration. Providing access to quality medical-hospital services, regardless of the financial situation and ability to pay of whoever requires them is not only the responsibility of ASES, it is also the responsibility of the Department of Health and ASSMCA. It is necessary that mental health patients be represented in the implementation process of the Public Policy on the rendering of health services.

Six (6) percent of the budget of ASES corresponds to an item designated for Mental Health Services. For fiscal year 2004-2005, the projected budget for the payment of mental health services premiums added up to more than one hundred million (100,000,000) dollars which are destined for evaluation and treatment services by mental health professionals for individuals, couples, families, and groups; for out-patient intensive psychiatric services, partial hospitalization services, and controlled substances abuse detoxification, treatment, and rehabilitation services for beneficiaries, among other services.

Due to the importance of the services rendered by ASSMCA and the fact that ASES grants Mental Health service contracts in an amount of more than one hundred million (100,000,000) dollars, it is imperative for the Administrator of said Agency to have direct inherence in negotiation of contracts and determinations in matters pertaining to Mental Health on the Island. Through this Act, the composition of the Board of Directors of the Puerto Rico Health Insurance Administration is extended, so that the Administrator of Mental Health and Addiction Services Administration (ASSMCA) is one of the ex-officio members of the Board of Directors.

Aware that Mental Health is the main health problem on the Island, this Legislature deems it necessary to include the Administrator of ASSMCA in the Board of Directors of ASES.

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

Section 1.- Section 3 of Article IV of Act No. 72 of September 7, 1993, as amended, is hereby amended to read as follows:

“Section 3.- Composition of the Board of Directors

The Board of Directors of the Administration shall be composed of nine (9) members. Four (4) of them shall be ex-officio members and five (5) shall be appointed by the Governor of Puerto Rico with the advice and consent of the Senate.”

Section 2.- Section 4 of Article IV of Act No. 72 of September 7, 1993, as amended, is hereby amended to read as follows:

“Section 4.- Ex-officio Members:

The Secretaries of Health and the Treasury, the Administrator of the Mental Health and Addiction Services Administration (ASSMCA) and the Insurance Commissioner shall be the four (4) ex-officio members of the Board of Directors.”

Section 3.- Section 5 of Article IV of Act No. 72 of September 7, 1993, as amended, is hereby amended to read as follows:

“Section 5.- Qualifications of the Members of the Board of Directors

The five (5) members of the Board of Directors who are not ex-officio members shall be persons of recognized moral integrity. Of these, one (1) shall be a professional competent in the insurance industry; two (2) shall be competent providers within the Health Reform, of which one shall be a primary physician; one shall represent the beneficiaries of medical-hospital insurance; and one (1) shall be a representative of the public interest. The latter shall not have interests nor belong to the other groups represented in the Board; shall not have commercial nor contractual relations with medical-hospital facilities nor with the health insurance industry, nor health service providers other than those as insurer-insured, insurer-claimant, doctor-patient or patient-hospital relationships.”

Section 4.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 63 (H.B. 1464) of the 1<sup>st</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Sections 3, 4, and 5 of Section IV of Act No. 72 of September 7, 1993, as amended, known as the “Puerto Rico Health Insurance Administration Act,” in order to increase the number of ex-officio members in the Board of Directors from three (3) to four (4) and include the Administrator of the Mental Health and Addiction Services Administration as one of the ex-officio members of the Board of Directors of ASES (Spanish acronym) and reduce the number of members appointed by the Governor of Puerto Rico from six (6) to five (5),

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

In San Juan, Puerto Rico, today 1st of February of 2006.

Francisco J. Domenech  
Director

