

(S. B. 1191)

(No. 73)

(Approved April 4, 2006)

AN ACT

To suspend for one hundred and eighty (180) days after the effective date of this Act, the effectiveness of subsection “c” of Section 7 of Act No. 94 of June 22, 1977, as amended, better known as the “Senior Citizen Establishments Act,” in order to grant an extension period; and to provide that during the effectiveness of this Act, the staff working in Long-Term Care Centers shall have the obligation to take seminars coordinated and offered by the Office of the Advocate for the Elderly; and for other purposes.

STATEMENT OF MOTIVES

Act No. 117 of May 21, 2004, which amended Act No. 94 of June 22, 1997, as amended, known as the “Senior Citizen Establishments Act,” provided that on the date the license is to be renewed, the person(s) in charge of the establishment and the staff working there or which renders services thereto and directly handles the senior citizen(s), must present evidence of having obtained a Competency Certificate in the Basic Competency Areas for Rendering Services to the Senior Population, after having taken an annual competency course or seminar on new developments in the area of gerontology, with special emphasis in the attention of the basic needs of health and care, nutrition, recreation, and socialization of senior citizens.

The above Act provided that the certificate shall be granted by institutions accredited by the Higher Education Council, the General Education Council or nonprofit organizations authorized by the Medical

Board of Examiners (MBE) and by the Office of Regulation and Certification of Health Professionals, attached to the Health Department, with specialized curricula in the areas of gerontology. It also established levels for the certificates according to the skills and education of the staff.

The referred Act No. 117 of May 21, 2004 became effective on July 1, 2004, and established that the Office of Elderly Affairs in collaboration with the Department of the Family, specifically the Office of Licensing would create and keep an updated Register on the institutions offering annual courses and seminars to attain the Competency Certificate in the Basic Competencies for the Rendering of Services to the Elderly Population to those operators who renew their licenses. The Department of the Family has provided that it shall apply the law after January 2006. The legal provisions included that these courses or seminars were covered by the Workforce Investment Act (WIA) administered by the Occupational Development Council of the Department of Labor. Eighteen months, after the effective date of the referred Act, establishment operators have not been oriented on the availability of funds for the Competency Certificates required by the Law. Neither the Register of Purveyors nor the corresponding regulations for the implementation of the provisions of the Act by the Office of the Advocate for the Elderly are available. As a result of the above, the operators of elderly care establishments must close their establishments, since they have been unable to attain the Competency Certificates in Basic Competencies for the Rendering of Services to the Elderly Population.

If an extension in the application of Act No. 171 of May 21, 2004 is not granted, the operators whose licenses will expire within the next months may not renew the same, which shall cause the closing of these establishments.

Aware of the need to provide knowledge and skills to the operators of long-term care centers, the Office of the Advocate for the Elderly shall develop a series of seminars directed to improve and maximize the quality of the services rendered by the long-term care centers.

The Legislature, aware of its responsibility to safeguard the life, health, and safety of the elderly, as well as the services received by them, deems it necessary to grant an extension of one hundred and eighty (180) days after the approval of this Act regarding the provisions of Section 3 of Act No. 117 of May 21, 2004.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- The effectiveness of subsection c of Section 7 of Act No. 94 of June 22, 1977, as amended, better known as the “Senior Citizen Establishments Act,” is hereby suspended for a term of one hundred and eighty (180) days after the approval of this Act.

During this extension period, the operators of long-term care centers shall have the obligation to take those seminars coordinated and offered by the Office of the Advocate for the Elderly, which shall be responsible to notify and make them public.

Section 2.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 73 (S.B. 1191) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to suspend for one hundred and eighty (180) days after the effective date of this Act, the effectiveness of subsection “c” of Section 7 of Act No. 94 of June 22, 1977, as amended, better known as the “Senior Citizen Establishments Act,” in order to grant an extension period; and to provide that during the effectiveness of this Act, the staff working in Long-Term Care Centers shall have the obligation to take seminars coordinated and offered by the Office of the Advocate for the Elderly; and for other purposes,

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

In San Juan, Puerto Rico, today 12th of January of 2007.

Francisco J. Domenech
Director