

(Substitute to S.B. 607
and S.B. 712)

(No. 122)

(Approved July 19, 2006)

AN ACT

To amend Sections 3, 4, 5, 6, 7 and 9 of Act No. 318 of December 28, 2003, known as the “Act for the Development of the Public Policy of the Commonwealth of Puerto Rico Concerning the Population with Autism Related Disorders,” for the purpose of restructuring the number of members of the Interagency Committee created pursuant to this Act; create an Advisory Committee of the Interagency Committee on Public Policy; establish the functions of the Committee; establish quorum requirements; and for other related purposes.

STATEMENT OF MOTIVES

Act No. 318, *supra*, was approved December 28, 2003 to establish the “Development of the Public Policy of the Commonwealth of Puerto Rico Concerning the Population with Autism Related Disorders in Puerto Rico.” The time during which this Act has been in effect has shown that the composition of the Interagency Committee which was there provided for, like other provisions of the Act, did not promote compliance with the purpose of establishing and implementing effective public policy to attend to the needs of the population with autism related disorders.

The Department of Health of the Commonwealth of Puerto Rico, designated as “leading agency” by Act No. 318, *supra*, as well as the organizations devoted to promoting services for the population with autism,

coincide in the need to reformulate the Interagency Committee and to clarify certain concepts. It is the duty of this Legislature to attend to this matter so that the will and commitment of the public officials, the parents and all other committed citizens may be channeled so as to create an environment of renewed sensibility towards autism related disorders and the respect due to the rights that protect that population.

The Third Symposium on Autism was held by the Senate of Puerto Rico this past April 13, 2005. The concerns of the fathers and mothers, as well as of the public officials who represent the agencies and departments engaged in dealing with the boys, girls, youths and adults who suffer from disorders related to the condition of autism were brought to light during this Symposium. The petition to review Act No. 318 of December 28, 2003, known as the “Act for the Development of the Public Policy of the Commonwealth of Puerto Rico Concerning the Population with Autism Related Disorders” was also set forth, together with those concerns, testimonials and information presented at said Symposium. From the discussion that ensued two main points arose: that the composition of the Interagency Committee of said Act should be changed and that its restructuring would lead to changes in its specific functions, responsibilities and obligations.

In order to rapidly attend to the claims brought to the attention of this Legislature, we propose the amendments that would make viable the development of the public policy for the population with autism related disorders.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Section 2 of Act No. 318 of December 28, 2003, is hereby amended to read as follows:

“Section 2.-Leading Agency

The Department of Health of Puerto Rico is hereby established and designated as the leading agency in the development and implementation of the Public Policy of the Commonwealth of Puerto Rico concerning its population with autism related disorders.”

Section 2.-Section 3 of Act No. 318 of December 28, 2003, is hereby amended to read as follows:

“Section 3.-Inter-agency Committee on Public Policy on Autism Related Disorders

The Inter-agency Committee on Public Policy on Autism Related Disorders (hereinafter “Interagency Committee”) is hereby created, which shall consist of a multidisciplinary interagency group composed by a representative of each of the following agencies, organizations or entities:

- a. Department of Health
- b. Department of the Family
- c. Department of Education
- d. University Center of Excellence in Deficiencies in the Development of the School of Public Health of the Medical Center Campus of the University of Puerto Rico
- e. Society of Parents, Children and Adults with Autism
- f. Foundation of Autism and other Generalized Development Disorders
- g. Autism and Related Disorders Alliance of Puerto Rico
- h. Autism and Developmental Disorders Organization
- i. Vocational Rehabilitation Administration

In the specific case of the Department of Education, the latter must be represented by the person who directs the Autism Program within the Office

of the Assistant Secretary for Comprehensive Educational Services for Persons with Disabilities. In the case of the Department of the Family, the latter must be represented by the directors of the Program for Child Care and Development and the Head Start Program.

This representation may not be delegated on any person who has a services contract with the Department of Education and the Department of the Family.”

Section 3.-Section 4 of Act No. 318 of December 28, 2003, is hereby amended to read as follows:

“Section 4.-Public Policy

The Public Policy shall be developed by the Department of Health with the collaboration, advice and approval of the Interagency Committee.

Not later than twelve (12) months after the approval of this Act, the Secretary of Health shall submit to the Governor of the Commonwealth of Puerto Rico a proposal for a bill to establish through legislation, the public policy concerning the rendering of services to the population with autism related disorders in Puerto Rico.

The Public Policy shall establish processes to permit to:

- (a) Identify, study and evaluate all problems and needs related to autism related disorders in Puerto Rico, taking into consideration their extent and impact on the family and the community.
- (b) Generate statistics on the population with autism related disorders, its needs, the services rendered by the agencies, and the matters requiring attention that are not being addressed.

(c) Develop a uniform protocol that includes guidelines for early identification, diagnosis and evaluation for the planning of the services for the population with autism related disorders.

(d) Establish the responsibilities and the collaboration of the different agencies, and public and private entities and organizations for the rendering of services to the population with autism related disorders, in harmony with state and federal legislation and regulations in effect.

(e) Establish processes for coordinating the planning of activities and services of the various agencies of the state and municipal governments, as well as the volunteer agencies and organizations regarding services for the population with autism related disorders, without impairing or interfering with other functions, powers and duties of these agencies or public or private organizations, and to make recommendations for the same purpose to organizations, volunteers and other private entities.

(f) Set guidelines on the licensing, continuing education and training requirements for health professionals or professionals who plan and directly intervene with the population with autism related disorders.

(g) Establish the processes for the annual evaluation and monitoring of the results of the support services (also known as speech therapy, occupational therapy, physical therapy, and psychological services) offered by different health professionals licensed by the Department of Health and who are contracted or subcontracted by the Office of the Assistant

Secretary for Comprehensive Educational Services for Persons with Disabilities of the Department of Education, ensuring that said professionals are present when drafting the Individualized Education Program (PEI, Spanish acronym) of the students in their charge.

(h) Incorporate any program, method, legislation or administrative order successfully implemented in the United States or any other country for attending to the population with autism related disorders.

(i) Make recommendations on models for regulations or administrative orders to be used by the agencies, public corporations and instrumentalities of the Commonwealth of Puerto Rico for rendering services to persons with autism related disorders.

Once it has become Law, the public policy shall be distributed throughout the agencies, instrumentalities, municipalities, entities, organizations and all pertinent personnel. All agencies, instrumentalities, public and private entities and organizations that receive funds of the Commonwealth of Puerto Rico shall be duty bound to comply with the public policy to be created under the parameters of this Act. In order to comply with the purposes of these provisions, the Legislature of Puerto Rico is committed to making viable its approval.”

Section 4.-Section 5 of Act No. 318 of December 28, 2003, is hereby amended to read as follows:

“Section 5.-Functions and Duties of the Interagency Committee

Without it being understood as a limitation, the Interagency Committee shall have the following functions:

a) Advise the Department of Health as to the development of the public policy concerning the rendering of services to the population with autism related disorders in Puerto Rico.

b) Advise the Department of Health so as to achieve the full participation, coordination and cooperation of all pertinent public agencies in Puerto Rico.

c) Receive information and the concerns of the citizens and interested groups in the community about the population with autism related disorders to be studied by the Committee and to make recommendations about the concerns brought forth.

d) Seek external professional and technical advice in order to comply with its functions or tasks entrusted to the same.

e) Make recommendations to the Governor and to the Legislature about any legislative measure that may directly or indirectly affect the population with autism related disorders.

f) Submit recommendations to the Secretary of Health, the Governor and the Legislature to update the public policy as established in Section 3 of this Act, if appropriate, according to advances in scientific research.

g) Carry out all those functions needed to achieve the purposes of this Act.

h) Solicit, through the Secretary of Health, from the government agencies responsible for implementing the public policy, a strategic plan and the funds needed for its implementation.”

Section 5.-Section 6 of Act No. 318 of December 28, 2003, is hereby amended to read as follows:

“Section 6.-Meetings and quorum

(a) The Secretary of Health or his/her designated representative shall coordinate the work of the Committee and moderate the meetings.

(b) The Secretary of Health or his/her designated representative shall call the Committee to meetings at least twice a month while the bill provided in Section 3 of this Act is prepared, introduced, made viable and approved. Once the same has been approved the Secretary of Health or his/her designated representative shall meet with the Committee at least once every six (6) months or more frequently if the conditions so merit, to determine whether it is necessary to make any modification according to the advances in research about autism related disorders.

(c) The Committee meetings shall be summoned by the Secretary of Health or his/her representative ten (10) working days in advance.

(d) Quorum shall be constituted by half plus one (1) of the members of the Committee.

(e) The Secretary of Health or his/her designated representative may summon to Committee meetings members of the Advisory Group according to the matter in the agenda to be discussed.”

Section 6.-Section 7 of Act No. 318 of December 28, 2003, is hereby amended to read as follows:

“Section 7.-Advisory Group of the Interagency Committee

The Committee shall have an Advisory Group appointed by the Secretary of the Department of Health for the purpose of making viable the inclusion of diverse matters from the perspective of a lifetime, to wit: preschool age, school age, adolescence and adulthood. This Advisory Group shall have a voice but no vote and shall not be taken into consideration for quorum. It shall be constituted by representatives from the following

agencies or by health professionals with knowledge and experience in the rendering of services to the population with autism related disorders:

- a. Pediatrician
- b. Pediatric Neurologist
- c. Clinical Psychologist
- d. Psychiatrist
- e. Speech and Language Pathologist
- f. Occupational Therapist
- g. Physical Therapist
- h. Head Start/Early Head Start Programs
- i. Mental Health and Anti-addiction Services Administration
- j. Department of Labor and Human Resources
- k. State Council on Independent Living
- l. Movement for the Achievement of Independent Living
- m. Department of Housing
- n. Technological Assistance Program of the University of Puerto Rico
- o. Association of Mayors
- p. Federation of Mayors

The Secretary of Health may include in the Advisory Group, on the recommendation of the Committee, any other person or entity needed to advance the purposes of this Act.”

Section 7.-Section 9 of Act No. 318 of December 28, 2003, is hereby amended to read as follows:

“Section 9.-Budget

The Department of Health shall be responsible for petitioning in the budget for fiscal year beginning July 1, 2006, as well as for subsequent years, the funds needed for the functioning of and compliance with the provisions of this Act. The Department of Health shall provide office materials and personnel for the performance of the duties of the Committee. The Department of Health is hereby empowered to accept donations to be used for investigations, research or activities pertinent to this Act. The monies thus obtained shall be used exclusively as provided in this Act. Likewise, in order to comply with the purposes and functions that arise from this Act, the Department of Health, without being understood to be restricted to the following, is hereby empowered to receive, solicit, accept and administer such funds proceeding from legislative appropriations, or from contributions of the Federal Government of the United States, the Central Government, or from Municipal Governments of the Commonwealth of Puerto Rico, and from agencies, public corporations, political subdivisions, and other dependencies or instrumentalities of said governments, as well as contributions from local or foreign individuals, entities or private organizations.”

Section 8.-This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 122 (S.B. 607 and S.B. 712) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Sections 3, 4, 5, 6, 7 and 9 of Act No. 318 of December 28, 2003, known as the “Act for the Development of the Public Policy of the Commonwealth of Puerto Rico Concerning the Population with Autism Related Disorders,” for the purpose of restructuring the number of members of the Interagency Committee created pursuant to this Act; create an Advisory Committee of the Interagency Committee on Public Policy; establish the functions of the Committee; establish quorum requirements; and for other related purposes,

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

In San Juan, Puerto Rico, today 3rd of October of 2006.

Francisco J. Domenech
Director