

(Substitute to  
H. B. 1517)

**(No. 198)**

(Approved September 11, 2006)

## **AN ACT**

To amend Sections 2, 3, 4 and 8 and to add Section 7-A to Act No. 58 of May 27, 1976, as amended, known as the “Act to Regulate the Profession of Rehabilitation Counseling in Puerto Rico”; to redefine the concept of “rehabilitation counseling”; add the definition of the term “independent living”; separate the Board created in this Act from the Department of State and attach it to the Department of Health; establish that it shall be compulsory for the counselors to pursue continuing education; establish the Counselors’ Code of Ethics; and for other related purposes.

## **STATEMENT OF MOTIVES**

The rehabilitation counseling profession was established through the approval of Act No. 58 of May 27, 1976, as amended, known as the “Act to Regulate the Profession of Rehabilitation Counseling in Puerto Rico,” in order to guarantee optimum and quality services for disabled persons in Puerto Rico.

However, several decades have elapsed since the approval of the Act, and the time has arrived to redefine the term “rehabilitation” and add the concept of “independent living.” Changes in the services and lifestyles of the citizens, especially the impact of rehabilitation technology and affirmative action, access, and equal opportunity programs that guarantee the civil rights of this sector of our population under equal conditions with the rest of our society, certainly have had an effect on these concepts and definitions.

On the other hand, it should be mentioned that the rehabilitation counseling profession has changed greatly, and therefore these distinguished citizens require continuing education to keep them up-to-date with the new times and approaches

in the area of rehabilitation. Persons with disabilities seek independence and financial security. One of the means of ensuring the achievement of these purposes would be to provide rehabilitation counselors the necessary tools for their professional improvement and to keep their knowledge up-to-date, in accordance with the latest tendencies.

This Legislature of Puerto Rico deems that, in turn, persons with disabilities shall benefit directly.

Finally, it is necessary to separate the Board of Rehabilitation Counselors from the Department of State and to attach it to the Department of Health, since the latter has a series of requirements for continuing education that are more attuned with said profession. Although the Board appears attached to the Department of Health in the Laws of Puerto Rico Annotated, it must be clarified that the error arises from an agreement between the Secretaries of reference in 2000, through which the Board was transferred. However, it is the opinion of the Department of State that, according to the law, Section 3 of Act No. 58, *supra*, should be amended for such purposes.

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

Section 1.- Subsection (a) is hereby amended, a new subsection (d) is added, and present subsection (d) is redesignated as subsection (e) of Section 2 of Act No. 58 of May 27, 1976, as amended, to read as follows:

“Section 2.- Definitions

The following terms shall have the meaning stated below:

- (a) Rehabilitation Counseling. Means the comprehensive individual or group process of a structured and enabling nature that establishes an interactive relationship between the rehabilitation counselor and the person with or without functional limitations to the integrated development of his/her abilities and skills that is directed toward all

the aspects of his/her life, including his/her employment or independent living goals in order to reach an optimum quality of life. This process is directed toward the development or restoration of functional independence and the quality of life of the person. The functional independence that is pursued through the rehabilitation counseling process involves several goals that entail inclusion, self-sufficiency, integration, and independent life. It includes high quality of life levels resulting as a part of the integral rehabilitation of the human being. This constitutes an opportunity to include significant dimensions and individual considerations in the life of human beings, such as the medical, psychological, social personal, cultural, educational, vocational, and spiritual.

- (b) ...
- (c) ...
- (d) Independent Living. Means a philosophy centered on having the person with disabilities acquire control over his/her life-impacting decisions. This includes peer support, self-management, self-determination, equal access to services, and the individual intercession of systems with purposes of broadening and diversifying opportunities to the fullest and developing their leadership to ensure their full integration and inclusion to society as human beings. Furthermore, it means to have the right and opportunity to take any action and assume responsibilities as part of his/her life process.
- (e) Board. Means the Board of Examiners of Rehabilitation Counseling created by this Act.”

Section 2.- The first paragraph of Section 3 of Act No. 58 of May 27, 1976, is hereby amended to read as follows:

“Section 3.- Creation

The Board of Examiners of Rehabilitation Counselors is hereby created, attached to the Division of Boards of Examiners of the Department of Health, which shall be in charge of everything related to the granting, denial, suspension, and revocation of licenses for rehabilitation counselors in Puerto Rico.

...”

Section 3.- Subsection (g) is hereby added to Section 4 of Act No. 58 of May 27, 1976, as amended, to read as follows:

“Section 4.- Powers and Duties

The Board of Examiners of Rehabilitation Counselors shall have the following powers and duties:

(a) ...

(g) To incorporate and adopt a Code of Ethics that shall govern the practice of this profession in any workplace in Puerto Rico, in both the public and the private sector.”

Section 4.- Section 7-A is hereby added to Act No. 58 of May 27, 1976, as amended, to read as follows:

“Section 7-A.- Continuing Education

It is hereby established that all licensed, certified and recertified Rehabilitation Counselors shall update their knowledge through workshops, conferences, seminars and trainings as part of their continuing education which shall result in the rendering of excellent services for the persons requiring their services. The licenses shall be renewed every three (3) years, in accordance with the continuing education requirements of Act No. 11 of June 23, 1976.

For such purposes, the Board is hereby empowered to promulgate the necessary regulations to fully comply with the provisions of this Act, so that the Counselors are up-to-date in all areas of knowledge related to the profession, with

special attention to the ten areas of knowledge contained in the accreditation standards of the “Council on Rehabilitation Education” (CORE), to wit: 1) Professional Identity; 2) Social and Cultural Diversity; 3) Human Growth and Development; 4) Employment and Career Development; 5) Counseling and Consultation; 6) Group Work; 7) Assessment; 8) Research and Program Evaluation; 9) Medical, Functional, Environmental, and Psychosocial Aspects of Disability; and 10) Rehabilitation Services and Resources.”

Section 5.- Section 8 of Act No. 58 of May 27, 1976, as amended, is hereby amended to read as follows:

“Section 8.- Denial, Suspension or Revocation of License

The Board may deny, suspend, or revoke a license upon notice and hearing, if it finds that the candidate or licensee has indulged in any of the following practices:

(a) ...

(b) ...

(1) ...

(5) Has not complied with the continuing education required for certification or recertification established by the Board of Examiners of Rehabilitation Counselors of Puerto Rico.

(6) There is evidence to establish that in the practice of his/her profession or private life in the community, he/she has violated the code of ethics of the rehabilitation counseling profession and other codes of ethics applicable to the workplace.

...”

Section 6.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 198 (H.B. 1517) of the 4<sup>th</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Sections 2, 3, 4 and 8 and to add Section 7-A to Act No. 58 of May 27, 1976, as amended, known as the “Act to Regulate the Profession of Rehabilitation Counseling in Puerto Rico”; to redefine the concept of “rehabilitation counseling”; add the definition of the term “independent living”; separate the Board created in this Act from the Department of State and attach it to the Department of Health; establish that it shall be compulsory for the counselors to pursue continuing education; establish the Counselors’ Code of Ethics; 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 15<sup>th</sup> of October of 2007.

Francisco J. Domenech  
Director