

(H. B. 2870)

**(No. 301)**

(Approved December 26, 2006)

## **AN ACT**

To grant an amnesty for the payment of the membership fee of the College of Nursing Professionals of Puerto Rico, as required by Act No. 82 of June 1, 1973, as amended.

### **STATEMENT OF MOTIVES**

The College of Nursing Professionals of Puerto Rico, hereinafter CPEPR, (Spanish acronym), was created by virtue of Act No. 82 of June 1, 1973, as amended. Section 8 of Act No. 82, supra, establishes that, “College members shall pay a fee every year on the date or in the manner established in the bylaws, and they shall be fixed by Regular Annual Assembly of the College.” It is by virtue of this provision that all CPEPR members are bound to pay a membership fee, and the failure to comply with such obligation could entail, among other consequences, the impossibility to practice the nursing profession in Puerto Rico.

Without a doubt, nursing professionals are one of the fundamental pillars of the health system in Puerto Rico. This Honorable Legislature, in a tri-partisan manner, has specifically recognized the importance of Nursing Professionals, through the following expressions in the Statement of Motives of what became Act No. 27 of July 20, 2005.

“These professionals, together with the medical personnel, are responsible for watching over our health and follow-up the recommendations of our physicians and specialists. These are the professionals that accompany us day and night while

we recover from an illness and administer medication to us and monitor our health.”

For several reasons, many nursing professionals are in arrears with respect to the payment of their fee, which places them under the risk of losing their jobs, as well as of the imposition of sanctions, unless measures are taken to correct the situation. Although this Legislature firmly believes in the obligation of all citizens to obey the law, we also have in our hands the power to harmonize the law and justice when necessary.

At this time, CPEPR is involved in the execution of several very important projects for the nursing professional class and our society. Moreover, the members of CPEPR have entrusted it with the task of making about significant improvements to its physical facilities, which shall require an injection of funds for both the short-term and long-term. All this, while continuing to offering the services and benefits it is called upon to render by virtue of Act No. 82, supra.

With this bill, an amnesty for the payment of the nursing professionals’ fee is proposed in order to enable those who have failed to comply with said payment to do so. The approval of an amnesty on the payment of the fee, within the parameters of this bill, shall contribute to having all nursing professionals comply with the requirements of Act No. 82, supra, and shall allow CPEPR to collect short-term and long-term funds.

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

Section 1.- An amnesty through which they shall be exempted from the payment of accrued, overdue and unpaid fees up to 2001, inclusive, is hereby granted to all nursing professionals bound to pay a fee by virtue of Section 8 of Act No. 82 of June 1, 1973, as amended.

Section 2.- Solely and exclusively those nursing professionals who pay the total amount of accrued, overdue and unpaid fees as of 2002 up to the present

within ninety (90) days from the date of approval of this Act may avail themselves of this amnesty.

Section 3.- No private or public employer may alter, modify, change or otherwise affect the working conditions of a nursing professional for failure to comply with the payment of the fee, all this for said nursing professional to bring the fee up-to-date during the period of ninety (90) days provided by this Act.

Section 4.- No administrative agency including, but not limited to, the Board of Female and Male Nurse Examiners and the College of Nursing Professionals of Puerto Rico shall initiate disciplinary procedures against a nursing professional for failure to comply with the payment of the fee, all this for said nursing professional to bring the fee up-to-date during the period of ninety (90) days provided by this Act.

Section 5.- The State shall not file any penal action against a nursing professional or against an employer because of failure to comply with the payment of the fee, all this for said nursing professional to bring the fee up-to-date during the ninety (90) days provided by this Act.

Section 6.- The College of Nursing Professionals of Puerto Rico, within the thirty (30) days following the approval of this legislation, shall notify the details of this Act to all the college members by regular mail. It shall likewise, publish at least one announcement on this regard in a newspaper of general circulation.

Section 7.- Once the ninety (90) days provided under Section 2 of the present legislation have elapsed, and within the following sixty (60) days, the College of Nursing Professionals of Puerto Rico shall notify to the Board of Female and Male Nurse Examiners the name, license number, and address of those nursing professionals who are still owing their membership fee. The Board of Female and Male Nurse Examiners shall be bound to take the corresponding disciplinary action by virtue of the law.

Section 8.- Should any clause, paragraph, article or section of this Act be ruled unconstitutional by a competent court, said ruling shall not affect, prejudice or invalidate the remaining provisions of this Act; The effect of said ruling shall be limited to the clause, paragraph, article, section or part thereof which has been ruled unconstitutional.

Section 9.- This Act shall take effect immediately after its approval.

## **CERTIFICATION**

I hereby certify to the Secretary of State that the following Act No. 301 (H.B. 2870) of the 4<sup>th</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to grant an amnesty for the payment of the membership fee of the College of Nursing Professionals of Puerto Rico, as required by Act No. 82 of June 1, 1973, as amended,

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

In San Juan, Puerto Rico, today 17<sup>th</sup> of April of 2007.

Francisco J. Domenech  
Director