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Presented by Mr. Ríos Santiago, Dalmau Santiago and Vargas Vidot (By petition)

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Referred to the Health Commission

LAW

To amend Sections 14 and 17 and add a new subsection 2 to section (b) of Section 22 of Law 139-2008, as amended, better known as the "Medical Licensing and Discipline Board Law", for the purposes of recognize the payment of per diems to the members of the Board and eliminate the requirement of a bachelor's degree in sciences or premedical as a condition to obtain a license to practice the profession of surgeon or osteopath in Puerto Rico; empower the Board to recognize any state residency program; recognize the power of the Board to issue certification of specialty and subspecialty in medicine; establish a general reservation of rights clause that allows the Board to issue certifications as emergency physician specialists and certifications as primary care physicians and acupuncturists; and amend subsection (9) of subsection (a) of Section 1031.02 of Subchapter A of Chapter 3 of Subtitle A of Act 1-2011, as amended, better known as the "Internal Revenue Code for a New Puerto Rico", to exempt from gross income the salaries paid to received by a doctor during his internship period in the Board; and for other related fines.

STATEMENT OF MOTIVES

During the last few years, our health system has been weakened by various socioeconomic factors that have impacted Puerto Rico. Government bankruptcy, hurricanes Irma and María, the 2020 earthquakes, the COVID-19 pandemic, and the massive exodus of medical

professionals, among others, have placed the health, well-being, and safety of the People at a serious disadvantage. That is why, since the beginning of 2017, the Government has implemented various measures to address this problem. However, while these have been effective, much needs to be done/much remains to be done. For these purposes, it is important that the Government of Puerto Rico continue promoting and executing all necessary measures that seek to retain medical professionals and even encourage the arrival of new talent and medical professionals.

One of the biggest problems we found with Law 139-2008, as amended, better known as the "Medical Licensing and Discipline Board Law", is that it requires that the candidate for the medical license exam in Puerto Rico must have passed a bachelor's degree in science, a premedical course, or premedical equivalent courses. The verification of the academic qualifications must correspond in the first instance to the medical schools that offer the degree to said applicant. On the other hand, the United States Medical Licensing Examination (USMLE) does not require a bachelor's degree in science or pre-medical credits for candidates to take the exam they offer and thereby obtain their medical license. Waiving the requirement of a bachelor's degree in sciences or a pre-medical course would allow the Medical Licensing and Discipline Board to direct its efforts and resources to the main function of licensing and regulating the medical profession in Puerto Rico. At the same time, it would encourage the arrival of trained doctors who are interested in settling in Puerto Rico but who, since they do not have the pre-medical requirement, relocate to other jurisdictions. We must promote the arrival of such assets that will benefit everyone.

In order to address the situation of the shortage of specialist and subspecialist physicians, the amendments contemplated in this Law will allow the creation of state residency programs that meet the same parameters of excellence and academic preparation and training requirements demanded for the residency programs offered in the rest of the American nation. It is imperative to develop residency programs, among which would be internal medicine, pediatrics, obstetrics-gynecology, and general surgery, among others. This will greatly help train medical students and will serve as a mechanism to retain them in Puerto Rico. The Act will foster a new pool of specialists in urgently needed areas of medicine such as primary care medicine and medical acupuncture. In fact, given this lack of medical specialists, the Puerto Rico license will also be granted to all physicians with an active license in any state of the Union who have no indication of misconduct, thus making it easier for doctors with training in the different medical specialties and that have approved licenses from other states to establish themselves in Puerto Rico.

On the other hand, given the lack of medical specialists, it is necessary to promote and facilitate the establishment of doctors with preparation and training in the different medical specialties, and who have licenses approved in the states of the Union, to establish themselves in Puerto Rico. This Law intends to recognize through a general clause of reservation of rights (grandfather clause) the effort, preparation and dedication of those doctors who for ten years or more have provided full-time uninterrupted services in the emergency rooms of hospitals in Puerto Rico, so that they can obtain certification as emergency physicians, primary care physicians (primary care physician) and acupuncturists, once the latter two are created as specialties.

Finally, Law 139-2008, as amended, requires that, in order to obtain a license to practice medicine in Puerto Rico, the applicant, among others, provide satisfactory evidence to the Board that, after graduating from a medical school, has completed training as an intern or resident for not less than one (1) year in a hospital validated by the Board. Taking this into consideration, it is important to encourage new medical professionals to join the Puerto Rican community and stop the departure of other doctors from the Island. Internal doctors do a commendable job and most of the time they receive little or no pay. This Law offers medical interns-in-training an incentive to recognize their effort by excluding any income they receive while serving as resident or intern physicians from the payment of income taxes. At the same time, this exclusion will be extended to all resident physicians for the term of the years in that position.

For all of the foregoing, the Legislative Assembly of Puerto Rico deems necessary the rapid approval and execution of this Act.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Article 14 of Law 139-2008, as amended, better known as the "Medical Licensing and Discipline Board Law", is hereby amended to read as follows:

"Article 14.- Board of Licensing and Medical Discipline – Mileage.

Each member of the Board, including public officials, will have the right to collect an amount equivalent to mileage as established in the regulations of the Department of Transportation and Public Works of Puerto Rico. Each member of the Board shall have the right to receive a per diem and mileage for the day or fraction thereof that they dedicate to the performance of their position, subject to the regulations adopted by the Puerto Rico Department of Treasury for that purpose. Said allowances will be exempt from taxation."

Section 2.- Article 17 of Law 139-2008, as amended, better known as the "Medical Licensing and Discipline Board Law", is hereby amended to read as follows:

"Article 17.- Licensing and Medical Discipline Board – Licensing Requirements.

Any person who aspires to obtain a license to practice the profession of surgeon or osteopath in the Commonwealth of Puerto Rico must meet the following requirements:

...

It is also provided that in order to be admitted to any of the parts of the revalidation exam established in this Law, it will be necessary to comply with all the requirements of this Law and submit evidence thereof to the satisfaction of the Board. The Board will establish by regulation the requirements to be accepted to take the revalidation exam that includes basic sciences, clinical sciences and practice. **[Provided, that the candidate for any part of the exam must submit a transcript of credits that certifies that said candidate passed a bachelor's degree in science, premedical course or courses equivalent to premedical, as established by the Board through Regulations and with a academic index not less than two point five (2.5) or its equivalent.]**

The applicant for a surgeon's license shall provide satisfactory evidence to the Board that, after graduating from a medical school or college, he has completed training as an intern or resident for not less than one (1) year in a hospital validated by the Board. The Board will establish through regulations which body or sources of information it will use to validate internship or residency programs, as well as medical schools in the United States of America and in foreign countries. The Board is authorized to validate any state residency program created by any hospital or medical school in Puerto Rico that meets the same parameters of excellence and academic preparation and training requirements demanded for residency programs offered in the United States of America as required by the National Board of Specialties recognized by the American Board of Medical Specialties, for which it may be submitted for accreditation when it is deemed to meet the requirements. Provided, that the Board shall have no discretion to exempt any candidate from the internship year requirement.

...

They must submit a negative certification from the Administration for Child Support (ASUME) that they do not owe alimony or that if they owe it, they are covered by a payment plan.

In relation to the Certification of Specialty and Subspecialty:

a) *The Board will grant specialist and subspecialist certification to those physicians duly authorized to practice their profession in Puerto Rico through a permanent license issued by the Board itself and who meet the requirements of this Act.*

b) *The Board will certify the medical specialties and subspecialties recognized as such by the American Board of Medical Specialties.*

c) *The Board may also issue a specialist certificate to any doctor authorized to practice his profession in Puerto Rico who has completed a state residency program created by any hospital or medical school in Puerto Rico that meets the parameters of excellence and requirements of academic preparation and training required for residency programs offered in the United States of America as required by the National Board of Specialties recognized by the American Board of Medical Specialties and that has been validated by the Board. Said certificate as a specialist will allow the doctor to practice and advertise as such in the jurisdiction of Puerto Rico and must be recognized by all medical plans, insurance companies and other public and private institutions in Puerto Rico.*

d) *The Board will establish through regulations the procedure and requirements for the issuance of the specialist and subspecialist certificate.*

A general clause of reservation of rights is established where:

a) *Any general practitioner who has worked for at least the last ten (10) uninterrupted years, full time in an emergency room and who presents evidence of said practice to the satisfaction of the Board, may be granted certification as a medical specialist. emergency doctor. Said certificate as a specialist will allow the doctor to practice and advertise as such in the jurisdiction of Puerto Rico and must be recognized as a specialist by all medical plans, insurance companies and other public or private institutions in Puerto Rico. The Board shall establish through regulations the procedure and requirements for the issuance of said certificate.*

b) *Any general practitioner who has worked for at least the last ten (10) uninterrupted years, full time as a primary care physician ("primary care physician") and who presents evidence of said practice to the satisfaction of the Board, will be may grant certification as a primary care physician ("primary care medicine"). Said certificate will allow the doctor to practice and advertise as such in the jurisdiction of Puerto Rico and must be recognized as a specialist by all medical plans, insurance companies and other public or private institutions in Puerto Rico. The Board shall establish through regulations the procedure and requirements for the issuance of said certificate.*

c) Any general practitioner who has worked full-time for at least the last ten (10) uninterrupted years as an acupuncturist and who presents evidence of said practice to the satisfaction of the Board, may be granted certification as an acupuncturist. Said certificate will allow the doctor to practice and advertise as such in the jurisdiction of Puerto Rico and must be recognized as a specialist by all medical plans, insurance companies and other public or private institutions in Puerto Rico. The Board will establish through regulations the procedure and requirements for the issuance of said certificate."

Section 3.- A new subsection 2 is added to subsection (b) of Section 22 of Law 139-2008, as amended, better known as the "Medical Licensing and Discipline Board Law", to read as follows:

"Article 22.- Board of Licensing and Medical Discipline – Types of Licenses.

to. regular license. – ...

b. Special Licenses. –

1. Physicians licensed through examinations from any state of the United States of America with which the "Puerto Rico Medical Licensing and Discipline Board" has established reciprocal relationships.

2. The Board may recognize and accredit any medical license or certificate as a specialist or subspecialist that a candidate presents and that was issued by any of the states of the United States of America. It will be necessary for the candidate to complete the forms and documents required by the Board; provide a certification of compliance ("good standing") from the state that issued the certification; as well as a negative criminal record certificate from the state that issued the certification. The Board shall establish through regulations the procedure and requirements for the issuance of said specialist and subspecialist certificate.

... "

Section 4.- Subsection (9) of subsection (a) of Section 1031.02 of Subchapter A of Chapter 3 of Subtitle A of Act 1-2011, as amended, better known as the "Internal Revenue Code for a New Puerto Rico", so that it reads as follows:

"Section 1031.02.- Gross Income Exemptions.

(a) The following items of income shall be exempt from taxation under this Subtitle:

(1) ...

...

(9) Stipends or *income* received by certain physicians during the period of internship. – The stipend or *income* received by a doctor during his internship period under a contract signed with the Puerto Rico Department of Health or with any municipality or political subdivision of the same or hospital to receive medical training through practice in a hospital. This exclusion will apply to both the stipend for the monthly subsidy and the additional subsidy for the payment of housing and meals, or any income and will be granted for a maximum period of seventy-two (72) months.

..."

Section 5.- This Act shall enter into force immediately after its approval.