AN ACT

To amend Section 5 of Act No. 227 of August 11, 1998, as amended, known as the “Puerto Rico Telemedicine Regulating Act.”

STATEMENT OF MOTIVES

Act No. 227 of August 11, 1998, as amended, known as the “Puerto Rico Telemedicine Regulating Act,” was amended by Act No. 413 of October 9, 2000, to require that all physicians or osteologists outside of the jurisdiction of Puerto Rico become duly licensed by the Board of Medical Examiners to practice medicine, surgery, and osteology, and to perform Telemedicine in the Commonwealth of Puerto Rico. This requirement, introduced into the Law by a recent amendment, hinders physicians and osteologists in Puerto Rico from consulting physicians abroad, unless said physicians have a license to practice medicine in Puerto Rico.

Section 9 of Act 227, supra, is very useful for keeping physicians and osteologists from outside the jurisdiction of the Commonwealth of Puerto Rico from using advanced telecommunications technology to treat patients that are physically within the country without the required supervision of the authorities. However, Section 9 does not make an exception for those physicians and osteologists from outside of our jurisdiction who are consulted by physicians and osteologists that are duly licensed in Puerto Rico. In such cases, the intervention of such professionals provides the
necessary and sufficient guarantees. On the other hand, maintaining this type of requirement hinders the establishment of institutional programs in our hospitals, based upon collaboration agreements with hospitals in the United States, and more importantly, limits access by Puerto Ricans to medical advances that are generally delayed in their arrival to Puerto Rico.

With the proposed amendment, our medical professionals and our hospital institutions shall be able to institute programs that allow them to consult specialists in other countries, which entails better quality in medical services.

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

Section 1.- Section 5 of Act No. 227 of August 11, 1998, is hereby amended to read as follows:

“Section 5.- Issue of License for Physicians and Osteologists Outside of Our Jurisdiction.

Upon the approval of this Act, no physician, surgeon, or osteologist outside of the jurisdiction of the Commonwealth of Puerto Rico may draft or publish advertisements to claim that they are legally qualified to practice telemedicine in Puerto Rico without being duly licensed for said practice, unless they obtain a duly issued license from the Board of Medical Examiners to confirm their compliance with the requirements set forth in referenced Act No. 22.

This requirement shall not apply to physicians and osteologists from outside of the jurisdiction of the Commonwealth who are consulted by physicians and osteologists that are duly licensed to practice medicine in Puerto Rico.

However, all physicians and osteologists that are consulted shall be duly authorized to practice medicine in the jurisdiction in which
they render their services. Likewise, the institutions represented by the consulted physicians, or that provide their facilities for the consultations, shall have official certifications from the jurisdiction in which they are located.”

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. 148 (H.B. 1451) of the 5th Session of the 14th Legislature of Puerto Rico:

AN ACT to amend Section 5 of Act No. 227 of August 11, 1998, as amended, known as the “Puerto Rico Telemedicine Regulating Act”,

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

In San Juan, Puerto Rico, today 3rd of March of 2004.

Elba Rosa Rodríguez-Fuentes
Director