

Act 254 to Regulate the Nursing Profession in Puerto Rico

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PRACTICE AREAS

- Labor & Employment

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The Governor of Puerto Rico recently signed Act 254 to regulate the nursing profession, establish the new Board of Nurse Examiners (“Board”), regulate the issuance of licenses or certificates, and establish penalties, among other matters. Act 254 substitutes and repeals Puerto Rico Act 9 of October 11, 1987.

Act 254 redefines the existing categories among nursing professionals and describes more specifically their individual practices. These categories differentiate themselves in accordance with education requirements, specialization, degree of independence, and the services to be provided. For example, the Doctor in Nursing Practice (DNP) and the Advanced Practice Nurse (APN) can function independently and can establish their private practice in Puerto Rico offering their services through private agreements with agencies or persons in their practice area. Employers must be aware that associate nurses may only provide services under the supervision of nursing generalists, nursing specialists or advanced practice nurses. The Act also requires that advanced practice nurses maintain a malpractice insurance policy.

Act 254 also requires that employers comply with the following:

- Notify the Board of Nurse Examiners the final result of all legal or administrative proceedings or complaints which involve the alleged negligence of a nurse.
- Prior to the recruitment of nursing professionals, request a certificate of good standing from the Board through its Office of Regulation and Certification of Health Professionals to ensure that the professionals have renewed their licenses.
- Refuse to employ or permit the employment of a nursing professional, or permit that a nursing professional provide services as such, directly or indirectly, without a valid, updated license. The Board may impose economic sanctions of up to \$10,000 for each violation. Act 254 also classifies as a misdemeanor for an employer to knowingly employ or induce someone to engage in the nursing practice without a valid license.
- Keep on file the certificate of good standing requested prior to hiring a nursing professional, for inspection purposes.

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- Keep on file evidence of the malpractice insurance policy. Act 254 also classifies as a misdemeanor for an APN to work without having a malpractice insurance policy in effect.

Please be aware that Act 254 becomes effective on June 28, 2016.

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