N[redacted]2113
DATE July 4, 1974 3:05 P.M.
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Secretary of State
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Assistant Secretary of State

DEPARTMENT OF HEALTH
HEALTH SERVICES AND HOSPITAL FACILITIES
ADMINISTRATION OF PUERTO RICO

REGULATION NUMBER 3.1

REGULATION OF THE SECRETARY OF HEALTH TO ESTABLISH THE NORMS IN RELATION TO THE COMPENSATION FOR ADDITIONAL MEDICAL SERVICES, NIGHT AND DAY SHIFTS, GRANT OF A DIFFERENTIAL PAYMENT TO PHYSICIANS; CONTRACTING FOR ADDITIONAL SERVICES FROM NURSES, LABORATORY TECHNICIANS, X-RAY TECHNICIANS, AND LABORATORY PERSONNEL IN THE HEALTH SERVICES AND HOSPITAL FACILITIES ADMINISTRATION OF PUERTO RICO

INDEX

Page No.

Article I - Legal Basis 1

Article II - Scope 1

Article III- Objectives 2

Article IV - Addittional Medical Services and Medical Shifts 2

A. General Provisions 2

1. Additional Medical Services 2

2. Physicians for Shift Duties 3

3. Training Services, Payment for Prohibition 3

4. Workday 3

5. Patients treated Report 4

6. Services as part of the Medical Training 4

7. Emergency Department: Time Verification 4

8. Contracting 4

B. Compensation 4

1. Additional Medical Services in Emergency Rooms of the Regionals Hospitals 4

2. Standby Duties (shifts) in area hospitals health centers, and diagnostic and treatment centers 5

a. Standby Duties or Regular Work Days 5

b. Standby Duties on holidays, Saturdays, and Sundays 5

c. Medical Standby Duty, Requirement 6

Article V- Salary Differential 6

A. Meaning 6

B. Determination of the municipalities 6

INDEX

Page No.

C. Criteria for establishing the differentials 6

1. General conditions of the towns 6

a. Facilities 6

b. Distance 7

2. Opportunities: Environment 7

3. Availability of Services 7

a. Medical Services of the Administration 7

b. Municipal Medical services 7

c. Private practice 7

4. Economic resources of the municipality 8

D. Conditions for granting differentials 8

E. Assignment of differentials 9

F. Towns without Health Centers 9

1. Granting a differential to Physicians 9

2. Conversion of a Health Unit Into a Health Center 9

3. General Norms Applicable to the differential 10

Article VI- General Aspects 10

A. Retirement 10

B. Income Tax; Social Security 10

C. Funds 10

Article VII- Additional Work Shifts of Nurses, Laboratory Technicians, X-Ray technicians and Laboratory Personnel 10

Article VIII- Amendments 11

Article IX- Effectiveness 11

ARTICLE I - Legal Basis

Article 177 of the Political Code, as amended, provides among other things, that physicians, who work for the Commonwealth of Puerto Rico, may receive compensation for additional services rendered; and extends such authorization to nurses, laboratory technicians, X-ray technicians, and laboratory personnel.

Section 5.14 paragraph 5, of Law Number 5 approved the 14th of October, 1975, known as the Public Personnel Service Act of Puerto Rico, provides for salary adjustments, over the established rates, when the geographic location of the position, its particular conditions, or unnusual difficulties in recruitment and retention justify it. This Regulation is established in accordance to above mentioned provisions of the Law in terms of fiscal and administrative policies and in accordance with the authority vested on the Health Services and Hospital Facilities Administration of Puerto Rico, by Act No. 26, of November 13, 1975, which creates it.

ARTICLE II- Scope

The disposition in this Regulation shall include and apply to all physicians rendering services to the Administration under the conditions, which will be described herein, in medical centers, regional hospitals, area hospitals, health, diagnostic and treatment centers; even if these facilities are operated exclusively by the Administration of jointly with the municipalities or any other public health center or facility, that may be established in the future. The dispositions also include nurses, laboratory technicians, X-Ray technicians, and laboratory personnel.

ARTICLE III- Objectives

The objective of the Health Services and Hospital Facilities Administration of Puerto Rico is to render health services of the best quality in all its hospital facilities, in such manner that the health needs of the people of Puerto Rico are taken care of efficiently and effectively at any time.

In accordance with the above objective, this Regulation shall govern all direct transactions related with physician's shifts as a means to guarantee the provision of professional medical services during the early evening, all night, weekends, and holidays.

Similarly, this Regulation aims to facilitate the recruiting and retention of physicians by authorizing salary adjustments in municipalities where the existing conditions are not attractive, enough for the recruitment and retention of properly trained personnel. Also the Regulation provides for achieving uniformity and consistence in the compensation and in the procedure for physician's shifts and differential payments; the contracting of nurses, laboratory technicians, X-Ray technicians, and laboratory personnel to provide services to the Administration.

ARTICLE IV. Additional Medical Services and Medical Shifts

A. General Provisions

1. Additional Medical Services

The Administration may contract physicians already working for the Administration to render additional medical services in work shifts, only in emergency rooms of general hospitals; provided that in those hospitals that do not have training programs or that have training programs with a limited number of resident

physicians, they may contract medical services for other areas of services, other than the emergency rooms, if there is a previous authorization from the Executive Director and the Secretary of Health, and previous justification to that effect; provided also that the physician hired to render additional medical services in the emergency room must also attend to the medical needs hospitalized patients.

2. Physicians for Shift Duties

Physicians for shift duties may be contracted to render services in health centers, area hospitals, and diagnostic and treatment centers; these services may be rendered by physicians already working for the Administration or by physicians in the community.

3. Training Services, Payment for Prohibition

A resident physician shall not receive payment for services rendered as part of his formal training. It is assumed that the services rendered by the Resident Physician are part of his training program.

4. Workday

It shall be the responsibility of the Assistant Director for Administration of the institution to verify that the physicians who are authorized to render additional medical services and who are not physicians in training, comply with the required working hours assigned by the institution; and on the basis of the attendance sheet, after properly verified and certified by him, be compensated for the time worked.

5. Patients treated Report

The physician who is on shift duty will present a written report to the Director of the Institution or his representative, on the number of patients treated, unnusual situations arisen while on duty; evidence that the patient record were completed. This report evidence and the attendance sheet shall be requirements for the payment of his service.

6. Services as part of the Medical Training

The medical needs in hospital wards shall be taken care of by Interns and Resident Physicians as part of their training.

7. Emergency Department: Time Verification

Interns and Resident Physicians on duty in clinical departments should move into the Emergency Department to take care of emergencies at the request of the personnel in charge or on duty in the Emergency Room.

8. Contracting

Physicians who are not employed by the Administration, may do standby duties or service shifts in health centers and area hospitals, after they have been given a contract in which the conditions for rendering such service and pay are established. In these cases, the applicable provisions for contracts of this Regulation shall be complied with and in no case the provisions of this Regulation shall be violated.

B. Compensation

1. Additional Medical Services in Emergency Rooms of the Regionals Hospitals

a. Medical services rendered in the emergency room, of the Regional Hospitals from 4:00 P.M. to 8:00 A.M., the following

morning, from Monday to Friday, excluding holidays, shall be considered as additional medical services. This 16-hour period shall be divided in two shifts, one from 4:00 P.M. to 12:00 midnight, another from 12:00 midnight to 8:00 A.M the following morning; and shall be compensated at a rate of $75 (seventy five dollars) per shift.

b. Medical services rendered in the emergency room, of the Regional Hospitals from 8:00 A.M. to 8:00 A.M. the following day on holidays, Saturdays, or Sundays, shall be considered as additional medical services. These services shall be compensated at a rate of $100 per each eight hour (8) shift or its equivalent.

2. Standby Duties (shifts) in area hospitals, health centers, and diagnostic and treatment centers

a. Standby Duties or Regulat Work Days

In area hospitals, health centers, diagnostic and treatment centers, medical standby duties (shifts) shall start at 4:30 P.M. and will end at 8:00 A.M. the following day. The working hours shall be divided into two (2) shifts. First shift from 4:30 P.M. to 12:00 midnight, and the second shift from 12:00 midnight to 8:00 A.M. Payment for these services will be $40.00 per shifts.

b. Standby Duties on holidays, Saturdays, and Sundays

During holidays, Saturdays, and Sundays, standby duties shall start at 8:00 A.M. and will end at 8:00 A.M. of the following day. The working hours shall be divided into two (2) shifts of 12 hours each, and each shift shall be

considered a medical standby duty. Compensation shall be at the rate of $50.00 per 12 hour shift or its equivalent.

c. Medical Standby Duty, Requirement

The medical standby duty in area hospitals, health centers, diagnostic and treatment centers, shall be rendered in the emergency rooms and the physician shall also attend to the medical needs of hospitalized patients.

ARTICLE V - Salary Differential

A. Meaning

A salary differential is a special compensation granted to certain employees when the geographic location of the position occupied the special conditions of the position and in the difficulties in the recruitment and retention of the employees, justify it.

B. Determination of the Municipalities

For the granting of a salary differential, a determination shall be made of the towns of the island that are to be considered as areas of difficult recruitment and retention of employees. This determination shall be made by the Executive Director of the Health Services and Hospital Facilities Administration of Puerto Rico with the approval of the Secretary of Health.

C. Criteria for establishing the differentials

1. General Conditions of the town

a. Facilities

The difficulty in recruitment and retention is greater when school facilities are inadequate, housing is inappropriate, as well as there is a lack of shopping centers,

movies, and other means of recreation that could serve as an incentive to attract the required qualified personnel.

b. Distance

Distance of the towns for commuting from corresponding zones or areas.

2. Opportunities: Environment

Opportunities for professional contact with other colleagues and an environment that stimulates proffesional growth and betterment.

3. Availability of Services

Availability of Medical Services in the town to the extent that they constitute a difficulty in recruitment.

a. Medical services of the Administration

When there are few physicians there is more work to perform. That constitutes a negative factor for the recruitment and retention of personnel.

b. Municipal medical services

The physicians from the Administration shall be available to serve the municipalities that are short of physicians. This factor causes excess of work.

c. Private practice

The residents of towns that are short of private physicians have to use public facilities and services without consideration to their ability to pay. This also causes excess of work.

4. Economic resources of the Municipality

When the municipality does not have sufficient economic resources the demand for medical services of the Administration increases causing excess of work.

D. Conditions for granting differentials

1. Physicians with differentials, shall be full-time employees.
2. The physicians shall reside in the town at a distance of not more than 30 minutes by car at a normal speed.
3. The physician must be available to render the required services.
4. The physicians shall comply with the requirement of the job and the working hours established and shall be a full-time employee. The physician shall register the working hours according to the procedures establish by the Administration.
5. Each physician shall receive the differential while working in the town that establish the differential. Every transfer from one town to the other carries the adjustment in regard to the differential and any other aspect.
6. The differential shall not be paid while the employee is on leave except regular vacation or sickness leaves, previously authorized.
7. The amount paid for differential shall be discontinued when the physician is transferred to other position

or when there is a variation on the conditions to the payment of the differential.

E. Assignment of differentials

The Executive Director with the approval of the Secretary shall establish the amounts to be payed and the places that shows difficulty in the recruiting and retention of physicians.

The amounts to be payed shall be revised by the Executive Director at least once a year in such a way as to reflect the changes occurred.

F. Towns without Health Centers

Differentials in the towns without health centers shall receive a differential as hereinafter established.

1. Granting a differential to Physicians

Physicians assigned to the public health centers shall receive a differential as indicated below:

a. Physicians I - shall receice a differential of $75.00 monthly over their salaries.

b. Physicians II, III, IV and V shall receive a differential of $100.00 a month over their regular salaries.

2. Conversion of a Health Unit into a Health Center

When the public health unit located in a town that is classified as one of difficult recruitment of employees becomes a health center, the physicians assigned to it shall receive the amount corresponding to the differential of a health center.

3. General Norms Applicable to the Differential

Physicians from public health units, must comply with the general norms that are established in Article V, paragraph D, of this Regulation in order to receive the benefit of the differential.

ARTICLE VI. General Aspects

A. Retirement

In accordance with Act. No. 445 of May 15, 1951, that establishes the Retirement System, the salary differential and the additional payment for additional medical services and standby duty, do not constitute part of the salary, therefore, are not subject to a deduction for the Retirement System of the employees of the Government of Puerto Rico.

B. Income Tax; Social Security

However, the additional differential pay for additional medical services or medical standby duty, does constitute income and therefore is subject to deductions established by Income Tax Law and the Social Security Law.

C. Funds

In the preparation of the budget and the work plan for each facility, the necessary funds shall be alloted for the payment of the differential, additional medical services, and the medical standby duties, rendered in the facility.

ARTICLE VII. Additional Work Shifts of Nurses, Laboratory Technicians, X-Ray technicians, and Laboratory Personnel

The Executive Director may authorize contracting for additional work shifts in the case of nurses, laboratory

technicians, X-Ray technicians, and laboratory personnel upon request of the regional directors.

Each case shall be evaluated on its merits, taking as a basis for determining the compensation, the application of the Federal Fair Labor Standards Act, the extreme need for such services, and the abscence of rotating shifts to cover such services.

ARTICLE VIII- Amendments

This Regulation may be amended by the Secretary of Health and the Governor of Puerto Rico.

ARTICLE IX - Effectiveness

This regulation shall take effect immediately

June 22, 1976
DATE OF APPROVAL

GOVERNOR

July 6,, 1976
DATE RECORDED AT THE DEPARTMENT OF STATE

SECRETARY OF HEALTH