

## Additional Information Regarding Act Regulating the Nursing Profession in Puerto Rico

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### An McV Labor & Employment Law Alert

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This is a follow up on our Alert published on March 8, 2016 regarding Act 254-2015 (“Act 254”), which regulates the nursing profession in Puerto Rico. Although Act 254 will come into effect six months after its approval, which would be June 28, 2016, the President of the Puerto Rico Board of Nurse Examiners (“Board”) has informed that the Board is interpreting the effective date to be July 1, 2016.

The Board is required to issue a Regulation that will deal with the issuance of licenses and requirements thereof, but this has not taken place. However, nursing professionals who already have licenses on the date when Act 254 comes into effect, have certain grandfathered rights. The “grandfather clause” in Article 23 of Act 254 allows nursing professionals who are currently licensed by the Board to continue working with their current license. All nursing professionals who as of July 1, 2016 have a license to work as a nurse, general nurse or specialized nurse will also be deemed authorized to practice as a nursing professional in the area of practice for which their license was issued, without having to take an exam.

In addition, the Board is authorized by Act 254 to issue licenses as “advanced practice” nursing professionals, to the following nursing specialties, without requiring them to take an exam, as long as the nursing professionals present to the Board evidence of their current licenses:

1. Nurse Anesthesiologist
2. Obstetrician/Midwife
3. Nurse Practitioner
4. Any other specialty which falls within the concept of advanced practice

The “advanced practice” license requires a malpractice insurance which must comply with limits that will be set by the Board and the Board has not yet determined the amount of coverage that the insurance must have.

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In other words, a nursing professional who is currently licensed as a clinical Specialist, Nurse Anesthesiologist, Obstetrician/Midwife or Nurse Practitioner and has approved advanced courses given by a recognized institution, in Pharmacology, Physiopathology and Physical Exams may ask for their current license to be substituted to that of “advanced practice” nurse, with all the rights and benefits that are provided by this category of nurses. Since the Regulation has not been issued by the Board, it is uncertain how this substitution process will be implemented. However, the nursing professional will be authorized to continue practicing as a nursing professional under his or her current license.

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