

MEDICARE PLATINO CONTRACT

APPENDIX J (23)

RELEVANT PUERTO RICO AND
FEDERAL LAWS AND
REGULATION



Applicable Government of Puerto Rico Laws and Regulations:

- Act 72 of September 7, 1993, as amended, known as "Puerto Rico Health Insurance Administration Law"
- ASES General Rules and Regulations, No. 9068 of February 22, 2019
- ASES Regulations for the Imposition of Fines and Economic Sanctions for Breach of Contract of Underwriters and/or Health Services Organizations and to Establish the Procedure for Resolution and Adjudication of Related Complaints, Regulation No. 8446.
- Puerto Rico Insurance Code and its applicable regulations
- Act 81 of May 14, 1912, as amended, known as "Organic Law for the Puerto Rico Health Department"
- Act 109 of June 28, 1974, as amended, known as "Law for the Puerto Rico Public Services Commission"
- Act 225 of July 23, 1974, as amended, known as "Law for Ambulance Services"
- Act 86 of August 16, 1997, as amended, known as "Law for the Residents of Culebra and Vieques"
- Act 227 of August 12, 1999, as amended, known as "Law for the Commission Implementation of the Suicide Prevention Public Policy"
- Act 194 of August 25, 2000, as amended, known as "The Declaration of Patient's Rights and Responsibilities"
- Act 408 of October 2, 2000, as amended, known as "Puerto Rico Mental Health Law"
- The Public Services Commission's Regulations for ambulance services in Puerto Rico, Regulation No. 6737 of December 17, 2003
- Act 247 of September 3, 2004, as amended, known as the "Puerto Rico Pharmacy Law"
- Act 111 of September 7, 2005, as amended, known as the "Law to Inform Citizens of the Security of Data Banks"
- Act 243 of November 10, 2006, known as "Law to establish the public policy concerning the use of the Social Security Number for identification and the protection of its confidentiality"

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- Act 139 of August 1, 2008, as amended, known as “Law for the Medical Licensing and Discipline Board”
- Act 11 of April 11, 2011 as amended, known as “Organic Law of the Office of the Patient Advocate”
- Act 1 of January 3, 2012, as amended, known as the “Government Ethics Law of 2011”
- Act 126 of October 31, 2013, known as the “Law for the Protocol of Interagency Services for the Elderly Population Living in Infrahuman Conditions”.
- Act 38 of June 30, 2017, as amended, known as the “Puerto Rico Uniform Administrative Proceeding Law”
- Act 2 of January 4, 2018, known as “Anticorruption Code for the New Puerto Rico”

Applicable Federal Laws and Regulations:

- Puerto Rico Health Department’s State Plan (“Medicaid State Plan” and CHIP State Plan”)
- Title XIX of the Medical Assistance Program (“Grants to States for Medical Assistance Programs”)
- Title XXI of the Social Security Act, Children’s Health Insurance Program, (“CHIP”)
- Federal rules and Regulations as established by the Center for Medicare & Medicaid Services (“CMS”) and the Checklist for Managed Care Contract Approval” including, **but not limited to:**

- 42 CFR 405.2402
- 42 CFR 422.208 and 210 (Physician incentive plans)
- 42 CFR 422.560-422.626
- 42 CFR 431 (fair hearings and appeals)
- 42 CFR 433 Subpart D, 42 CFR 447.20 and 42 CFR 434 (third party liability)
- 42 CFR 434.6 (a)(9)
- 42 CFR 435.911 and 435.914; 42 CFR 431.52-53 (ambulance services)
- 42 CFR 438 (manage care) including subsections 56, 60, 66, 206(b), 214, 242
- 42 CFR 447 (timely claim payment)



- 42 CFR 447.20
- 42 CFR 455 (fraud and abuse reporting)
- 42 CFR Part 455.104
- 42 CFR Part 455.106
- 45 CFR 74.53 (retention requirements for records)

- Davis-Bacon Act, 40 U.S.C. 276a et seq.
- The Social Security Act, including Titles VI, VII, XIX and XXI
- Copeland Anti-Kickback Act, 40 U.S.C 276c
- Fair Labor Standards Act of 1938, 29 U.S.C 201 et seq.
- Clean Air Act, 42 U.S.C. 7401 et seq.
- Federal Water Pollution Control Act as Amended, 33 U.S.C. 1251 et seq.
- Federal Rehabilitation Act of 1973
- Byrd Anti-Lobbing Amendment, 31 U.S.C. 1352
- The Clinical Laboratory Improvement Amendments of 1988
- The Health Insurance Portability and Accountability act of 1996 (HIPAA)
- Omnibus Budget Reconciliation Act of 1981, P.L. 97-38
- Debarment and Suspensions, 45 CFR 74 and Executive Orders 12549 and 12689
- Americans with Disabilities Act, 42 USC 12101 et seq.
- Medicare Modernization Act of 2003, P.L. 108-173
- Mental Health Parity and Addiction Equity Act of 2008, P.L. 110-343
- Patient Protection and Affordable Care Act, P.L. 111-148.

Medicaid Laws, regulations and requirements pertaining only to the Medicaid population.

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