

**GOVERNMENT OF PUERTO RICO
LA FORTALEZA
SAN JUAN, PUERTO RICO**

Administrative Bulletin Number: OE-2022-048

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. PEDRO R. PIERLUISI ISSUED FOR THE PURPOSE OF GRANTING IMMUNITY TO PHYSICIANS, OSTEOPATHS, PHYSICIAN ASSISTANTS, MEDICAL PROFESSIONALS, AND NURSES ASSISTING THE GOVERNMENT DURING THE EMERGENCY DECLARED IN LIGHT OF THE PASSAGE OF HURRICANE FIONA

WHEREAS: The primary purpose of the Government of Puerto Rico is to safeguard public order, and to protect the lives, property, and safety of all citizens on the Island.

WHEREAS: Through Administrative Bulletins OE-2022-045 and OE-2022-046, we declared a state of emergency due to the passage of tropical storm Fiona and I activated the Puerto Rico National Guard to provide assistance.

WHEREAS: The passage of this atmospheric phenomenon may cause damages. This threat has created an emergency situation for public safety, services and basic utilities for citizens, economic activity, and social wellbeing in Puerto Rico. An imminent risk to the health of the citizens has also presented itself.

WHEREAS: Law 62-2021 amends Law 139 of June 3, 1976, known as the "Good Samaritan Act of the Government of Puerto Rico", in order to extend immunity to legal persons, organizations, and professionals, who, in good faith, provide medical services to citizens as part of the response to an emergency declaration issued by the government, from civil liability claims due to alleged acts or omissions that occur while they provide medical care related to the response to the emergency declaration.

WHEREAS: Article 5.10 of Act 20-2017, as amended, better known as the "Puerto Rico Public Safety Department Act," empowers me as Governor to decree a state of emergency, to "issue any state regulation, order, plan, or measure for emergency situations or disasters, or to modify them at their discretion," and to "enact, amend, and repeal any regulation, and issue, amend, and rescind any order that I deem convenient to govern during the state of emergency or disaster."

WHEREAS: The health of Puerto Ricans is our priority, and in order to uphold that commitment, it is necessary to facilitate access to medical



services during the emergency caused by the passage of atmospheric phenomenon Fiona, establishing any measures necessary to ensuring access to medical treatment for all of the population. To this end, it is imperative that our medical service providers, osteopaths, physician assistants, medical professionals, and nurses, including those coming from other jurisdictions, may carry out their duties without apprehension or fear of being threatened by a medical malpractice claim while they offer aid to the Government during this emergency.

THEREFORE: I, PEDRO R. PIERLUISI, Governor of Puerto Rico, by virtue of the powers inherent to my office and the authority vested in me by the Constitution and the laws of the Government of Puerto Rico, hereby declare and order the following:

Section 1: **APPEAL TO VOLUNTEER PHYSICIANS AND NURSES.** Physicians, osteopaths, physician assistants, medical professionals with licenses granted by the Puerto Rico Medical Discipline and Licensing Board, as well as nurses authorized under Law 254-2015, as amended, known as the "Act to Regulate the Nursing Profession in Puerto Rico".

Section 2: **RECORDS.** Agencies are hereby ordered to maintain a record of those physicians, osteopaths, physician assistants, medical professionals, and nurses who are volunteering their services free of charge after the passage of atmospheric phenomenon Fiona.

Section 3: **IMMUNITY.** Physicians, osteopaths, physician assistants, medical professionals, and nurses volunteering their emergency or rescue services free of charge in accordance with the state of emergency decreed through Administrative Bulletin OE-2022-045, shall have immunity from civil claims as established in Section 2 of Law 139 of June 3, 1976, as amended, known as the "Good Samaritan Act of the Government of Puerto Rico".

The immunity shall against civil claims extended above shall be applicable as long as the damages caused are not the result of an act that is intentional, illegal, or that constitutes gross negligence or recklessness.

Section 4: **IMPLEMENTATION AND INTERPRETATION.** The Secretary of Health may issue any circular letter, order, or directive necessary



to oversee, implement, and interpret the provisions of this Executive Order.

Section 5: **DEFINITION OF THE TERM AGENCY.** For the purposes of this Executive Order, the term “agency” refers to any agency, division, office, or department of the Executive Branch of the Government of Puerto Rico, including public corporations, regardless of their name.

Section 6: **NON-CREATION OF ENFORCEABLE RIGHTS.** This Executive Order is not intended to create any rights, substantive or procedural, enforceable at law or equity, by any person or entity, in any matter, civil, criminal, or administrative, against the Government of Puerto Rico or its agencies, officials, employees, or any other person.

Section 7: **SEVERABILITY.** The provisions of this Executive Order are separate and independent of each other, and if any part, section, provision, or sentence of this Executive Order is declared unconstitutional, void, or invalid by a court of jurisdiction and venue, such decision shall not affect the validity of the remaining provisions, which shall remain in full force.

Section 8: **PRIOR ORDERS SUPERSEDED.** This Executive Order shall supersede any other executive order that may, in whole or in part, be inconsistent with the provisions herein, to the extent of such inconsistency.

Section 9: **PUBLICATION.** This Executive Order must be filed immediately with the Department of State and the widest possible publication is hereby ordered.

Section 10: **VALIDITY.** This Executive Order shall enter into force immediately and remain in force until it is amended or revoked by a future Executive Order or by a law.





IN TESTIMONY WHEREOF, I hereby issue this Executive Order under my signature and cause the Great Seal of the Government of Puerto Rico to be affixed, at La Fortaleza, in San Juan, Puerto Rico, on this 19th day of September of 2022.

Handwritten signature of Pedro R. Pierluisi in blue ink.

**PEDRO R. PIERLUISI
GOVERNOR**

Enacted in accordance with the law on this 19th day of September of 2022.

Handwritten signature of Omar J. Marrero Díaz in blue ink.

**OMAR J. MARRERO DÍAZ
SECRETARY OF STATE**

Handwritten signature of Juan E. Segarra in blue ink.

I, Juan E. Segarra, USCCI #06-067/translator, certify that the foregoing is a true and accurate translation, to the best of my abilities, of the document in Spanish which I have seen.