

Puerto Rico

Introduction and Table of Contents

January 28, 2009

To the Reader:

The *Compendium of State HIV Testing Laws* describes key state HIV testing laws and policies. Each state's HIV testing laws are unique and many have undergone revision or supplementation since the release of the [CDC's 2006 HIV testing recommendations](#). The *Compendium* is designed to help clinicians understand HIV testing laws and to implement sound HIV testing policies. It should not, however, be used as an official legal document.

The NCCC provides clinical consultation for healthcare providers as part of the HRSA [AIDS Education and Training Centers](#) program. Clinicians with questions about HIV testing are encouraged to call the *National HIV Telephone Consultation Service (Warmline)* at (800) 933-3413. The Warmline also provides advice on HIV management, including antiretroviral treatment. Other NCCC consultation services include: the National Clinicians' Post-Exposure Prophylaxis Hotline ([PEPline](#)) at (888) 448-4911 for advice on managing occupational exposures to HIV and hepatitis; and the National Perinatal Consultation and Referral Service ([Perinatal HIV Hotline](#)) at (888) 448-8765 for consultation on preventing mother-to-child transmission of HIV.

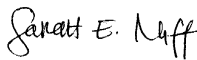
We update the *Compendium* periodically, but it is beyond the scope of the project to perform ongoing verification of every section frequently. We encourage readers to send comments, corrections, and updates (with citations when possible) to Sarah Neff at neffs@nccc.ucsf.edu.

Thank you,



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Director

&



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The Warmline, PEPline, and Perinatal Hotline are part of the National HIV/AIDS Clinicians' Consultation Center (NCCC) based at San Francisco General Hospital/ UCSF. The NCCC is a component of the **AIDS Education and Training Centers (AETC) Program** funded by the Ryan White CARE Act of the **Health Resources and Services Administration (HRSA)** HIV/AIDS Bureau in partnership with the **Centers for Disease Control and Prevention (CDC)**.

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Definitions and Helpful Resources

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Definitions Commonly Used Nationally

- **Anonymous Testing** – Patient's name is not recorded with test results.
- **Confidential** – Patient's name is recorded with test results.
- **HIV Prevention Counseling** – Refers to an interactive process of assessing risk, recognizing specific behaviors that increase the risk for acquiring or transmitting HIV and developing a plan to take specific steps to reduce risks.¹
 - **Pre-test counseling** can include: (1) discussing HIV, risk factors and prevention methods; (2) explaining the meaning of positive and negative test results and their implications; (3) assessing the patient's personal and social supports; (4) determining the patient's readiness to cope with test results; (5) discussing disclosure of test results to others; and (6) advising the patient if reporting positive test results to health authorities is required.
 - **Post-test counseling** can include: (1) informing the patient of the results and meaning of the test results; (2) providing education about avoiding risks of sexual and injection drug exposures; and, for patients who test positive, (3) assessing the impact of test results for the patient and family; (3) explaining treatment options; (4) discussing partner counseling and disclosure of test results to others; and (5) initiating a support and treatment plan.
- **General Consent** – Consent for HIV screening is included in the general medical consent.
- **HIV** – Human Immunodeficiency Virus.
- **Informed Consent** – A process of communication between patient and provider through which an informed patient can choose whether to undergo HIV testing or decline to do so. Elements of informed consent typically include providing oral or written information regarding HIV, the risks and benefits of testing, the implications of HIV test results, how test results will be communicated, and the opportunity to ask questions.¹
- **Name-based reporting** – Cases are reported by patient name (required in all states except HI and VT).
- **Opt-in** – Patients typically are provided pre-HIV test counseling and must consent specifically to an HIV-antibody test, either orally or in writing.²
- **Opt-out** – Performing HIV screening after notifying the patient that: the test will be performed; and the patient may elect to decline or defer testing. Assent is inferred unless the patient declines testing.¹
- **Routine Testing** – HIV screening that is performed routinely during health-care encounters.
- **Rapid Testing** – Testing with any of the six FDA-approved rapid HIV tests that produce results in 30 minutes or less.³
- **Specific Consent** – Consent for the HIV screening is separate from the general medical consent.

Helpful Resources

CDC Recommendations and Guidelines: <http://www.cdc.gov/hiv/topics/testing/guideline.htm>

Emergency Department Implementation Guide: <http://edhivtestguide.org/>

Prenatal HIV Testing Website: <http://www.cdc.gov/hiv/topics/perinatal/1test2lives/>

For questions or comments about the compendium, contact NCCC: NCCCTemp@nccc.ucsf.edu

Clinicians with questions about HIV testing can call the Warmline at 800-933-3413.

¹ Revised Recommendations for HIV Testing of Adults, Adolescents, and Pregnant Women in Health-Care Settings. MMWR Recomm Rep. 2006 Sep 22;55(RR-14):1-17; quiz CE1-4. <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5514a1.htm>

² <http://www.cdc.gov/mmwr/PDF/wk/mm5145.pdf>

³ <http://www.cdc.gov/hiv/topics/testing/resources/factsheets/rt-lab.htm>

Puerto Rico

A Quick Reference Guide for Clinicians to Puerto Rico HIV Testing Laws

January 28, 2009

This Quick Reference Guide for clinicians is a summary of relevant Puerto Rico state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of Puerto Rico HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

Informed Consent

- No specific provisions regarding consent were found.

Counseling

- No specific provisions regarding counseling were found.

Provisos of Testing

- **Anonymous**
 - No specific provisions regarding anonymous testing were found.
- **Rapid**
 - No specific provisions regarding anonymous testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing

- No specific provisions regarding minor or adolescent testing were found.

Puerto Rico

Perinatal Quick Reference Guide:

A Guide to Puerto Rico Perinatal HIV Testing Laws for Clinicians

January 28, 2009

This Perinatal Quick Reference Guide for clinicians is a summary of relevant Puerto Rico perinatal state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of Puerto Rico HIV testing laws, please refer to the corresponding section of the *State HIV Testing Laws Compendium* (www.nccc.ucsf.edu), “Testing of pregnant women and/or newborns.”

Prenatal

- **Initial visit**
 - No specific provisions regarding initial visit prenatal testing were found.
- **Third trimester**
 - No specific provisions regarding third trimester prenatal testing were found.

Labor & Delivery

- No specific provisions regarding labor & delivery testing were found.

Neonatal

- No specific provisions regarding neonatal testing were found.

Other

- N/A

**Puerto Rico
Policies Relating to HIV Testing, 2009**

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Puerto Rico Laws - Leyes de Puerto Rico

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Title 24: Health and Sanitation

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	Policy Category	Type	Section Code(s)
RESTRICTIONS/MANDATES	Restrictions on use of HIV test	No related laws found	
	Mandatory testing within the criminal justice system	Potential transmission to victims	Health § 578
		All inmates	Health § 575-1
		Convicted sex offenders	Health § 576
	Mandatory testing outside of the criminal justice system	No related laws found	
PRE-TESTING	Mandatory offering of HIV/AIDS information and/or testing	Information must be offered to HIV positive persons	Commwlth §523
	Informed consent	No related laws found	
	Counseling requirements	No related laws found	
	Anonymous testing	No related laws found	
POST-TESTING	Disclosure/confidentiality	HIV test results confidential	Commwlth § 523 Health § 572 Health § 3049
	Reporting	HIV diagnoses must be reported – not specified name vs. code-based reporting	Health § 91c1
OTHER	Testing of pregnant women and/or newborns	No related laws found	
	Rapid HIV testing	No related laws found	
	Training and education of health care providers	HIV workshops conducted by the Department of Health for massage therapists	Exam § 173 Exam § 184

Recommended Resources

Law Library of Congress: Puerto Rico

<http://www.loc.gov/law/guide/us-pr.html>

Lexjuris

<http://www.lexjuris.com/>

Puerto Rico Department of Health

Departamento de Salud, Estado Libre Asociado de Puerto Rico

<http://www.salud.gov.pr/>

Title 1: The Commonwealth
Titulo 1: La Bandera

PR Title 1 Code §	Code Language
§ 523	<p>Bill of Rights for Carriers of HIV/AIDS in Puerto Rico</p> <p>(b) Every person who is a carrier of the HIV/AIDS virus shall have the right to: Receive clear, exact and scientifically based information about AIDS without any kind of restriction. Carriers of the virus have the right to receive specific information about their health condition.</p> <p>(g) The right to receive blood and products derived thereof, organs or tissue that have been rigorously tested for HIV.</p> <p>(h) No one shall make reference to another person's past or future disease, or to the results of HIV testing without that person's consent, except for what is provided in §§ 571 et seq. of Title 24. All medical and assistance services must ensure privacy for the virus carrier.</p> <p><i>Carta de Derechos de las Personas Portadoras del Virus VIH/SIDA en Puerto Rico</i></p> <p><i>(b) Toda persona portadora del virus VIH/SIDA tendrá derecho a: Recibir información clara, exacta y científicamente fundada sobre el SIDA, sin ningún tipo de restricción. Los portadores del virus tienen derecho a recibir información específica sobre su estado.</i></p> <p><i>(g) Derecho a recibir sangre y hemoderivados, órganos o tejidos que hayan sido probados rigurosamente en relación al VIH..</i></p> <p><i>(h) Nadie podrá hacer referencia a la enfermedad de otra persona pasada o futura, o al resultado de sus pruebas de VIH, sin el consentimiento de la persona en cuestión, salvo lo contenido en la Ley Núm. 81 de 4 de junio de 1983, según enmendada. Todos los servicios médicos y de asistencia deben asegurar la privacidad del portador del virus.</i></p>

Title 20, Chapter 8: Examining Boards and Professional Colleges, Massage Therapy
Titulo 20, Capítulo 8: Juntas Examinadoras y Asociaciones Profesionales, Masaje Terapéutico

PR Title 20 Code §	Code Language
§ 173	<p>License—Requirements</p> <p>Any person who requests a massage therapist license pursuant to this chapter shall submit evidence, verified by oath to the satisfaction of the Board, proving his/her compliance of the following requirements:</p> <p>(f) Have completed the workshop on HIV offered by the Department of Health or the agency concerned for such purpose.</p> <p><i>Requisitos para obtener la licencia de Terapeuta de Masaje</i></p> <p><i>La persona que solicite la licencia de Terapeuta de Masaje al amparo de esta Ley someterá evidencia, verificada por juramento y a satisfacción de la Junta que demuestre que cumple los siguientes requisitos:</i></p> <p><i>(f) Haber aprobado el taller sobre VIH, ofrecido por el Departamento de Salud o la Agencia concerniente para tales fines.</i></p>
§ 184	<p>Grandfather clause</p> <p>Any therapist as established in this chapter, who has been practicing for ten (10) years or more, who has been studying the subject matter required by the examination through classes, workshops and seminars, shall be exempted from complying with the provision stated in this subsection.</p> <p>(i) Present an up to date CPR license and evidence of having taken the HIV workshop required for other health professionals.</p> <p><i>Cláusula de Antigüedad</i></p> <p><i>(i) Presentar licencia de CPR al día y evidencia de haber tomado el taller de VIH, requisito para otros profesionales de la salud.</i></p>

Title 24: Health and Sanitation
Titulo 24: Salud y Sanidad

PR Title 24 Code §	Code Language
§ 91c1	<p>Medical history of donor</p> <p>The laboratories shall be bound to make a record of the diseases suffered by the donor, as well as the tests necessary to the ends of ascertaining to the utmost, if the donor has or has had any contagious disease that may affect the recipient and specifically including the test to determine the existence of the antibody for the HIV Virus (Human Immunodeficiency Virus). They shall also be bound to comply with all the rules and regulations promulgated by the Secretary of Health.</p> <p>Historial del donante</p> <p><i>Los laboratorios vendran obligados a hacer un historial del donante, de las enfermedades que ha padecido este, asi como las pruebas necesarias a los fines de determinar hasta donde sea posible si el donante padece o ha padecido de alguna enfermedad contagiosa que pueda afectar al recipiente, e incluyendo especificamente la determinacion del anticuerpo para el virus HIV (Human Immunodeficiency Virus). Asimismo, vendran obligados a cumplir con todas las reglas y reglamentos que se promulguen por el Secretario de Salud.</i></p>
§ 571	<p>Definitions</p> <p>For the purposes of this chapter, the following terms will have the definition hereinafter expressed:</p> <p>(a) <i>Sexually-Transmitted Disease (STD)</i>. Will include: syphilis, gonorrhea, inguinal granuloma, venereal lymphogranuloma, chancroid, nonspecific urethritis, vaginitis, trichomoniasis, vaginal moniliasis, crablice, herpes simplex Type II, hepatitis type B, scabies (mange), genital warts, Acquired Immune Deficiency Syndrome and any other that the Secretary may include in the future, through regulations.</p> <p>(b) <i>Department</i>. Department of Health of the Commonwealth of Puerto Rico.</p> <p>(c) <i>Secretary</i>. Secretary of Health of Puerto Rico.</p> <p>(d) <i>Program</i>. Sexually-Transmitted Disease Control Program of the Department of Health.</p> <p>(e) <i>Laboratory</i>. Any public or private laboratory, or any other institution duly authorized by the Department of Health, where tests are processed for the diagnosis or confirmation of sexually-transmitted diseases.</p> <p>(f) <i>Epidemiology technician</i>. A person who by virtue of his academic preparation, training or experience, renders professional public contact services in the investigation, location of the origin, and focus of infection of sexually-transmitted diseases. If on the effective date of this act, or at any time thereafter, the practice of epidemiology technicians is regulated by law, a license issued by the Epidemiology Technicians Examining Board</p>

PR Title 24 Code §	Code Language
	<p>of the Commonwealth of Puerto Rico will also be required.</p> <p><i>(g) Medical Officer.</i> Those doctors employed by the Department of Health in public health services as head of a public health unit, or a doctor representing the head of the public health unit, or a special doctor designated for this purpose by the Secretary of Health.</p> <p>Definiciones</p> <p><i>A los efectos de este capitulo, los siguientes terminos tendran el significado que a continuacion se expresa:</i></p> <p><i>(a) Enfermedades de transmision sexual (ETS) incluira. Sifilis, gonorrea, granuloma inguinal, linfogranuloma venereo, chancroide, uretritis no especifica, vaginitis, trichomoniasis, moniliasis vaginal, ladillas, herpes simple Tipo II, hepatitis tipo B, escabiosis (sarna), verrugas genitales, sindrome de inmunodeficiencia adquirida y cualquier otra que en el futuro el Secretario determine mediante reglamentacion.</i></p> <p><i>(b) Departamento. Departamento de Salud del Estado Libre Asociado de Puerto Rico.</i></p> <p><i>(c) Secretario. Secretario de Salud de Puerto Rico.</i></p> <p><i>(d) Programa. Programa Control de Enfermedades de Transmision Sexual del Departamento de Salud.</i></p> <p><i>(e) Laboratorio. Cualquier laboratorio publico o privado o cualquier otra institucion, debidamente autorizada por el Departamento de Salud donde se procesen pruebas para el diagnostico o confirmacion de enfermedades de transmision sexual.</i></p> <p><i>(f) Tecnico de epidemiologia. Persona que en virtud de su preparacion academica, adiestramiento o experiencia, presta servicios profesionales de contacto con el publico en la investigacion, localizacion del origen y fuentes de infeccion de enfermedades de transmision sexual. Si a la fecha de vigencia de esta ley o en cualquier momento despues de la misma, se regulara por ley la practica de los tecnicos de epidemiologia, se requerira ademas la licencia otorgada por la Junta Examinadora de Tecnicos de Epidemiologia del Estado Libre Asociado de Puerto Rico.</i></p> <p><i>(g) Oficial medico. Los medicos empleados por el Departamento de Salud en servicios de salud publica como jefe de la unidad de salud publica, o un medico delegado del jefe de la unidad de salud publica, o un medico especial designado para este fin por el Secretario de Salud.</i></p>
§ 572	<p>Laboratories--Confidential report on positive results of diagnostic tests</p> <p>Every person in charge of a laboratory, or any person or laboratory where tests are processed for the diagnosis or confirmation of sexually-transmitted diseases, shall report all positive or reactive results of said tests to the Program within five (5) days following the test. Said report shall be written on the forms specially provided by the Department, and shall contain that information that the Department deems necessary for the epidemiological study of the sexually-transmitted diseases. The report will include the name, age, sex and residential address of the patient, as</p>

PR Title 24 Code §	Code Language
	<p>well as the name and address of the physician who recommended the test.</p> <p>All these reports shall be placed in envelopes marked "CONFIDENTIAL" and kept in the files of the laboratory, and identified by serial numbers or codes to that effect; and only the nature of the analysis and the results thereof shall be sent to the Program under the identification number affixed thereto.</p> <p><i>Informes Confidenciales</i></p> <p><i>Todos estos informes se pondrán en sobre identificado "CONFIDENCIAL" y se conservarán en los archivos del laboratorio, identificados con números de series o códigos al efecto, enviándose a la Oficina de Vigilancia ETS la naturaleza del análisis hecho y el resultado del mismo bajo el número de identificación fijado. Cualquier otro sistema de información que se incorpore que sea para la vigilancia epidemiológica deberá mantener dicha confidencialidad. Se dispone que todos los médicos, enfermeras (os), Técnicos de Epidemiología, Tecnólogos Médicos y demás profesionales de la OCASET, deberán mantener en forma confidencial toda la información recibida en virtud con la Ley 81 así como también la información confidencial que se genere en la OCASET. Toda persona que violare esta disposición será sancionada con la penalidad que contempla el Artículo 13 de la Ley Núm. 81 de 4 de junio de 1983.</i></p>
§ 575-1	<p>Medical doctors--Testing of convicted persons</p> <p>It shall be required that all persons convicted to serve a prison term be subjected to the laboratory tests needed to determine whether they suffer from some sexually transmitted disease so that they may receive the necessary orientation and treatment and thus prevent its propagation, particularly the human immunodeficiency virus (HIV), transmitter of the Acquired Immune Deficiency Syndrome (AIDS):</p> <ul style="list-style-type: none"> (a) At the time in which they enter the penal system, and (b) prior to the date on which they are released. <p><i>Medicos--Exámenes de convictos</i></p> <p><i>Se requerira que toda persona convicta a un termino en prision se le practiquen los exámenes de laboratorio necesarios para determinar si padece de alguna enfermedad de transmision sexual para que pueda recibir la orientacion, el tratamiento necesario y prevenir su propagacion, particularmente el virus de inmunodeficiencia humana (V.I.H.) transmisor del Síndrome de Inmunodeficiencia Adquirida (S.I.D.A.):</i></p> <ul style="list-style-type: none"> <i>(a) Al momento de ingresar al sistema penal, y</i> <i>(b) previo a la fecha en que este sea puesto en libertad.</i>

PR Title 24 Code §	Code Language
§ 576	<p>Investigation and examination of suspected sufferers</p> <p>All medical health officials shall employ all means available to determine the existence of sexually transmitted diseases, as well as the source of said diseases.</p> <p>The medical health official who has reasonable grounds to believe that a person who suffers from or has been infected with any sexually transmitted disease that could infect or be the source of infection [for] any other person, must require that said person submit to a medical examination and have a sample of his/her blood or other bodily secretions taken so as to conduct the laboratory tests needed to establish the presence or absence of said disease or infection. Provided, That the required examination shall be conducted by the medical health official or, at the option of the person to be examined, by a licensed physician who, in the opinion of the medical health official, is qualified to perform this work and who has his/her approval. The licensed physician who conducts said examination shall render a report thereon to the medical health official of the Department of Health but shall not issue a certificate of immunity from sexually transmitted diseases to or for the person examined. The person suspected may request that a judge issue an order restraining such an examination and no examination shall then be conducted except by order of the same judge. Before a person is subjected to the medical examination, said person shall be informed of his/her right to refuse to submit to such a medical examination. Provided, furthermore, That the medical health official may request that the court order the person suffering from a sexually transmitted disease to attend any of the clinics offered by the program to receive treatment. The Department of Health shall provide medical assistance to any medically indigent person suffering from any sexually transmitted disease.</p> <p>In every case of rape, conjugal sexual assault, incest, sodomy or lewd or indecent acts when committed by contact between the mouth and the penis, the mouth and the vagina or the mouth and the anus, the judge may order that the convict be subjected to the tests to detect the HIV virus, transmitter of the Acquired Immune Deficiency Syndrome (AIDS). Likewise, the judge may order that said tests be performed on minors who incur offenses equal to the abovementioned crimes.</p> <p><i>Investigacion y examen de personas sospechosas</i></p> <p><i>Los oficiales medicos de salud utilizaran todos los medios disponibles para determinar la existencia de enfermedades de transmision sexual, asi como para determinar las fuentes de dichas enfermedades.</i></p> <p><i>El oficial medico de salud que tuviere motivos razonables para creer que una persona estuviere padeciendo o hubiere sido infectada con una enfermedad de transmision sexual, que pudiera infectar o ser fuente de infeccion de cualquier otra persona, debera requerirle a dicha persona que se someta a un examen medico y se le tome muestra de sangre o de otras secreciones del cuerpo para los exámenes de laboratorio que fueren necesarios para establecer la presencia o ausencia de dicha enfermedad o</i></p>

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	<p><i>infeccion. Disponiendose, que el examen requerido sera practicado por el oficial medico de salud o, a opcion de la persona objeto del examen, por un medico autorizado que, en opinion del oficial medico de salud, este cualificado para realizar dicho trabajo y tenga su aprobacion. El medico autorizado que haga dicho examen rendira informe del mismo al oficial medico de salud del Departamento de Salud, pero no expedira certificado de inmunidad de enfermedades de transmision sexual a nombre de dicha persona examinada o para la misma. La persona de quien se sospecha podra solicitar de un juez la expedicion de una orden para impedir el examen y entonces no podra verificarse examen alguno excepto mediante orden del mismo juez. Antes de someter a una persona al examen medico, se le informara acerca del derecho que le asiste de negarse a someterse al mismo. Disponiendose, ademas, que el oficial medico de la salud podra solicitar a los tribunales que ordene a la persona que padece de alguna enfermedad de transmision sexual que acuda a cualquiera de las clinicas del Programa a recibir tratamiento. El Departamento de Salud brindara asistencia medica a cualquier persona medico-indigente que sufra de alguna enfermedad de transmision sexual.</i></p> <p><i>En todo caso de violacion, agresion sexual conyugal, incesto, sodomia, o actos lascivos o impudicos cuando estos se cometan mediante el contacto entre la boca y el pene, la boca y la vagina o la boca y el ano, el magistrado podra ordenar que se someta al convicto a las pruebas para detectar el virus V.I.H. transmisor del Sindrome de Inmunodeficiencia Adquirida (S.I.D.A.). Asimismo, el magistrado podra ordenar que se le practiquen dichas pruebas a los menores incurso en faltas equivalentes a los delitos antes señalados.</i></p>
§ 578	<p>Epidemiology technicians; functions</p> <p>The epidemiology technician shall summon, interview, investigate and offer guidance to any retarded or mentally disabled person, including any minor, who suffers or is suspected of suffering from a sexually transmitted disease, hereby being relieved from civil liability when rendering such services to retarded or mentally disabled minors under twenty-one (21) years of age without the prior consent of the parents or the persons legally called upon to give such consent.</p> <p>The epidemiology technician, in coordination with the Center for Aid to Rape Victims, shall summon, interview and notify any victim of the conduct described in § 577 of this title, whose assailant has been found to be positive or reactive to infection by the HIV virus and shall offer guidance as to the provisions of this chapter regarding examinations and treatment. With the prior authorization of the convict, the epidemiology [technician], in coordination with Correctional Health, shall summon and notify the spouse or consensual partner of said convict about the results of the tests conducted to detect the Acquired Immune Deficiency Syndrome (AIDS).</p> <p>Any person summoned by the epidemiology technician and notified of being diagnosed positive of any sexually transmitted disease, shall be required to submit to examination or treatment at the sexually transmitted disease clinics established by the department within ten (10)</p>

PR Title 24 Code §	Code Language
	<p>days following the notice, or otherwise said person shall be sanctioned as provided in § 583 of this title.</p> <p><i>Técnicos de epidemiología; funciones</i></p> <p><i>El técnico de epidemiología citara, orientara, entrevistara e investigara a toda persona, incluyendo menores, retardados o incapacitados mentales que padecen o que se sospecha que padecen de alguna enfermedad de transmisión sexual, quedando relevado de responsabilidad civil, cuando preste servicios a menores de veintiun (21) años de edad, retardados o incapacitados mentales sin el consentimiento previo de los padres o de las personas llamadas legalmente a consentir por ellos.</i></p> <p><i>El técnico de epidemiología en coordinación con el Centro de Ayuda a Víctimas de Violación citara, entrevistara y notificara a toda víctima de la conducta descrita en la sec. 577 de este título, cuyo agresor haya dado resultado positivo o reactivo a infección por el virus V.I.H. y la orientara sobre las disposiciones de este capítulo relativas a exámenes y tratamientos. Previa autorización del convicto, el técnico de epidemiología en coordinación con Salud Correccional, citara y notificara al conyuge o pareja consensual de dicho convicto el resultado arrojado por las pruebas de detección del Síndrome de Inmunodeficiencia Adquirida realizadas a este.</i></p> <p><i>Toda persona citada por el técnico de epidemiología y notificada que fuere de un diagnóstico positivo de alguna enfermedad de transmisión sexual vendra obligada a someterse a examen o tratamiento en las clínicas de enfermedades de transmisión sexual establecidas por el Departamento dentro de los diez (10) días siguientes a su notificación; de lo contrario sera sancionado segun lo establece en la sec. 583 de este título.</i></p>
§ 3049	<p>Rights--Confidentiality of medical records and information</p> <p>All patients, consumers and users of medical and hospital services in Puerto Rico are entitled to:</p> <p>(a) Communicate freely, at ease, and in strict confidentiality with their medical and hospital services health care providers.</p> <p>(b) Feel fully confident that their medical and health information will be kept in strict confidentiality by their medical and hospital services health care providers, and that said information will not be disclosed without the patients' written consent, and any case, solely for medical or treatment purposes, including the continuation or modification of medical care or treatment, or for prevention or quality control purposes, or in regards to the payment of medical and hospital health care services.</p> <p>(c) Feel confident that the unauthorized disclosure of information contained in medical or health records will be made solely after a court order has been issued or by specific authorization under the law, including but not limited to investigations concerning the commission of fraud or crimes.</p> <p>(d) All providers and insurers are to keep confidential all those files,</p>

PR Title 24 Code §	Code Language
	<p>clinical records or documents containing information on the medical status of any patient. All providers and insurers shall also take measures to protect the privacy of their patients, safeguarding their identity.</p> <p>(e) Every provider, medical-hospital institution, and every insurer shall provide every patient a speedy access to their files and records. A patient is entitled to receive a copy of his/her medical record within a term which shall not exceed five (5) days, in those cases that the medical record is requested from a medical hospital institution, it shall be furnished within a term of not more than fifteen (15) working days, through the payment of a reasonable cost, which shall not exceed seventy-five (.75) cents a page, up to a maximum of twenty-five (25) dollars for the medical record.</p> <p>Whenever any of the parties, to wit the medical services provider or the patient, concludes the physician-patient relationship, said medical record shall be furnished to the patient, father, mother, or custodian free of charge, within a term that shall not exceed five (5) working days. The fact that an outstanding debt exists between the physician and the patient shall not be an impediment for the patient to obtain his/her medical record.</p> <p><i>Derechos en cuanto a la confidencialidad de información y records médicos</i></p> <p><i>Todo paciente usuario o consumidor de servicios de salud médico hospitalarios en Puerto Rico tiene derecho a:</i></p> <p><i>a. comunicarse libremente, sin temor y en estricta confidencialidad con sus proveedores de servicios de salud médico-hospitalarios.</i></p> <p><i>b. tener plena confianza en que su información médica y de salud será mantenida en estricta confidencialidad por sus proveedores de servicios de salud médico-hospitalarios y no será divulgada sin la autorización escrita del paciente y en todo caso únicamente para fines médicos o de tratamiento, incluyendo la continuación o modificación del cuidado médico o tratamiento o con fines de prevención, control de calidad o relacionados con el pago de servicios de salud médico hospitalarios.</i></p> <p><i>c. tener la confianza de que la divulgación no autorizada de información contenida en records médicos o de salud se hará únicamente por orden judicial previa o mediante autorización específica de ley, incluyendo pero sin limitarse a, para fines de investigaciones relacionadas con la perpetración de fraudes o la comisión de delitos.</i></p> <p><i>d. Todo proveedor y toda entidad aseguradora deberán mantener la confidencialidad de aquellos expedientes, records clínicos o documentos que contengan información sobre el estado médico de un paciente. Todo proveedor y toda la entidad aseguradora deberán también tomar medidas para proteger la intimidad de sus pacientes, salvaguardando su identidad.</i></p> <p><i>e. todo proveedor y toda entidad aseguradora proveerán a todo paciente, acceso rápido a los expedientes y records de éste. El paciente tiene el derecho a recibir copia de su record médico.</i></p>