

Government of Puerto Rico
OFFICE OF THE COMMISSIONER OF INSURANCE
Guaynabo, Puerto Rico

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Secretary of State
(Signed)
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RULE NO. 99

PRIORITY TURNS

Government of Puerto Rico
OFFICE OF THE COMMISSIONER OF INSURANCE
Guaynabo, Puerto Rico

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RULE NO. 99

PRIORITY TURNS

SECTION 1. LEGAL BASIS

The Office of the Commissioner of Insurance of Puerto Rico adopts Rule No. 99 of the Regulations of the Puerto Rico Insurance Code, under the authority vested in the Office in Section 2.030 of Public Law No. 77, enacted on June 19, 1957, as amended, known as the Puerto Rico Insurance Code, as well as the provisions of Public Law No. 51, enacted on July 4, 2001, as amended, known as the Act to Establish the Obligation of the Agencies and Corporations of the Commonwealth of Puerto Rico to Create an Expedited Service Line for Persons with Disabilities and Persons over 60 Years Old; Public Law No. 354, enacted on September 2, 2000, as amended, known as the Act to Order Agencies to Grant Priority Turns to Persons with Physical, Mental, or Sensory Limitations; Public Law No. 107, enacted on July 3, 1998, known as the Act to Grant the Right to Discounts to Persons with Disabilities; Public Law No. 108, enacted on July 12, 1985, as amended, known as Discounts for the Elderly Act; Public Law No. 86, enacted on August 16, 1997, as amended, known as Vieques and Culebra Commute to the Island Act; and of Public Law No. 170, enacted on August 12, 1988, as amended, known the Uniform Administrative Procedure Act of the Commonwealth of Puerto Rico.

SECTION 2. PURPOSE

This Rule has the following purposes:

- A. To establish a priority turn system for persons with disabilities, as certified by the Puerto Rico Department of Health; persons sixty (60) years old or older; pregnant women; and the residents of the island municipalities of Vieques and Culebra who are transacting business on their own behalf and on behalf of family members, when they have traveled and must return on the same day, who visit the Office of the Commissioner of Insurance of Puerto Rico to request services, transact business or attend to any administrative matter.
- B. To establish acceptable mechanisms of identification to show that the person is a person with disabilities, as certified by the Department of Health of Puerto Rico; a person sixty (60) years old or older; a pregnant woman; or a resident of the island municipalities of Vieques and Culebra and that the person has a right to a priority turn.
- C. To require that a notice shall be posted in the areas Office of the Commissioner of Insurance of Puerto Rico where service is provided to the public and to establish the content of the notice, to advise the public with regard to the priority turn system for persons with disabilities, as certified by the Puerto Rico Department of Health; persons sixty (60) years old or older; pregnant women; and the residents of the island municipalities of Vieques and

Culebra, as well as the right to file a complaint, if the request for a priority turn is denied contravening the provisions of this Rule and the laws mentioned in Section 1 of this rule.

- D. To recognize that persons with disabilities, as certified by the Department of Health of Puerto Rico; persons sixty (60) years old or older and pregnant women are on occasion unable to appear personally to transact their personal business and another person must do so on their behalf under time constraints. Furthermore, it is recognized that residents of the island municipalities of Vieques and Culebra on occasion have limited time in which to transact their personal business or that of their family members.
- E. To establish the procedure for accreditation or identification of persons who are authorized to transact business on behalf of a person with disabilities, as certified by the Department of Health of Puerto Rico; persons sixty (60) years old or older or pregnant women; as well as the procedure for the accreditation or identification of residents of the island municipalities of Vieques and Culebra who are authorized to transact business on behalf of a family member.

SECTION 3. APPLICABILITY

This Rule will apply to all of the facilities of the Office of the Commissioner of Insurance of Puerto Rico where persons with disabilities, as certified by the Department of Health of Puerto Rico; persons sixty (60) years old or older, pregnant women, and residents of the island municipalities of Vieques and Culebra who may visit this Office to request any service, transact any business or address any administrative matter.

SECTION 4. DEFINITIONS

The following terms will have the meanings set forth below, except as otherwise indicated in any other provision of this Rule:

- A. Medical Certificate — Means a written statement by a physician who is duly authorized to practice medicine in Puerto Rico, certifying that the woman who is requesting a priority turn at the Office of the Commissioner of Insurance of Puerto Rico is pregnant.
- B. Commissioner — Means the Commissioner of Insurance of Puerto Rico.
- C. Identification Document or Card — Means any identification card or document issued by the state or the federal government, showing that a person has disabilities, is as a person sixty (60) years old or older or is a resident of the island municipalities of Vieques or Culebra..
- D. Office — means the Office of the Commissioner of Insurance of Puerto Rico.
- E. Authorized person or representative – means any person who in accordance with a judgment, administrative ruling, legal document, written authorization, or alternative method of certification executed by the person with disabilities as certified by the Puerto Rico Department of Health, a person sixty (60) years old or older, or a pregnant woman has been granted the necessary power to transact business on behalf of that person.
- F. Person with Disabilities -- Means any person who as a consequence or result of a congenital condition, illness, developmental deficiency, accident or any other reason has a physical, mental or sensory condition that deprives the person permanently or indefinitely of one or more of the essential life functions such as: mobility, communication, self-care, self-

direction, work tolerance in terms of the person's own life or of the person's capacity to be employed; and which functions have been seriously affected, thereby limiting how the person can function, as certified by the Puerto Rico Department of Health.

- G. Complaint — Means a claim submitted by a person with disabilities, a person sixty (60) years old or older, a pregnant woman or a resident of the island municipalities of Vieques or Culebra to request that their rights be recognized and that they be granted relief.
- H. Priority Turn System- A turn system by which the Office provides to persons with disabilities, persons sixty (60) years old or older, pregnant women, or their authorized representatives, and the residents of the island municipalities of Vieques and Culebra the benefit of being served in a preferential manner, without impinging on the rights of other persons visiting the Office.

SECTION 5. PROCEDURE FOR THE IMPLEMENTATION OF THE PRIORITY TURN SYSTEM

- A. The Office will post in the area for obtaining a turn or a waiting list at eye level,, as well as at the main entrance to the Office, in an area that is visible to the public, a sign, poster, placard, announcement or notice that is visible and legible from a distance of at least (10) feet indicating the following:

"PRIORITY TURNS

**For Persons with Disabilities, Pregnant Women or Persons
Sixty (60) Years Old or Older**

Public Law No. 354, enacted on September 2, 2000, as amended.

Any person with pending matters, interviews or who needs to transact any administrative business on his or her own behalf or on behalf of a family member, when coming from and having to return to the island municipalities of Vieques or Culebra by sea or by air on the same day.

Public Law No. 86, enacted on August 16, 1997, as amended."

This sign, poster, placard, announcement or notice shall be prepared and placed according to the pertinent provisions of the American with Disabilities Act Accessibility Guidelines with a size of no less than eleven by fourteen inches (11" x 14"), using at least one-half inch (1/2") print. If the occasion arises, at the request of the person who is seeking services at the Office, transacting business or attending to any administrative matter, or that the Office staff should become aware that the applicant does not know how to read or is not able to read, the Office staff has the obligation, as an accommodation, to advise the applicant of the right to the benefit set forth herein.

- B. Any person with disabilities, persons sixty (60) years old or older, pregnant women or

residents of the island municipalities of Vieques or Culebra who has a right to a priority turn must request such turn and submit evidence of the right to such turn.

The following documents will be accepted as evidence that a person has a right to a priority turn at this Office:

- (1) In the case of a person with disabilities, the identification card issued by the Department of Health, under Public Law No. 107, *supra*, as well as any other identification document or card showing that the person is a person with disabilities.
- (2) In the case of persons sixty (60) years old or older, the identification card issued by the Department of Health, under Public Law No. 108, *supra*, as well as any other identification document or card indicating age.
- (3) In the case of a woman in the early stages of pregnancy, a medical certificate. In other cases, the advanced stage of pregnancy will be sufficient evidence.
- (4) In the case of the residents of the island municipalities of Vieques and Culebra, an identification document or card indicating the place of residence; and the air or maritime ticket or other official document indicating return travel to Vieques or Culebra on the same day.

- C. Photocopies of the documents mentioned in Section 5(B) of this Rule will not be accepted.
- D. Persons with disabilities, persons sixty (60) years old or older, pregnant women or the authorized representatives of such, as well as the residents of the island municipalities of Vieques or Culebra shall visit the Office to request services, transact business or attend to any administrative matter, at least one (1) hour before the end of service hours, with the exception of administrative hearings to which they have been summoned for a specific time.
- E. The Office will implement this Rule using the most appropriate method for the services that are being provided. Therefore, the priority turn system will be based on a separate series of numbered turns for service, without impinging the rights of other visitors to the Office.
- F. The Director of the Customer Service Division of the Office will be the official who will be responsible for guaranteeing the implementation of and compliance with this Rule.

SECTION 6. REQUIREMENTS FOR REQUESTING THAT AN AUTHORIZED REPRESENTATIVE TRANSACT BUSINESS ON BEHALF OF A PERSON WITH DISABILITIES, A PERSON WHO IS SIXTY (60) YEARS OLD OR OLDER OR A PREGNANT WOMAN, OR THAT A RESIDENT OF THE ISLAND MUNICIPALITIES OF VIEQUES OR CULEBRA TRANSACT BUSINESS FOR A FAMILY MEMBER

- A. Any person who requests the benefit of a priority turn as an authorized representative must provide the Office with a document, as set forth in Section 4(E) of this Rule, in which a person with disabilities, a person sixty (60) years old or older or a pregnant woman is authorizing him or her to transact business on his or her behalf. In addition to this authorization, the authorized representative shall submit the appropriate evidence as provided in Section 5(B) of this Rule.
- B. Residents of the island municipalities of Vieques or Culebra who request the benefit of a priority turn to transact business on behalf of another person must submit a document

issued by a state or federal government authority to that effect, or a sworn statement that that person is a family member. They must also submit the appropriate evidence as provided in Section 5(B) of this Rule.

SECTION 7. VIOLATIONS OF THE RULE

Any person who submits false or falsified information or documentation in order to take undue advantage of the provisions of this Rule will be referred to the competent authorities for having falsified public documents and will be subject to the corresponding penalties.

SECTION 8. COMPLAINTS

Any person with disabilities, person sixty (60) years old or older, pregnant woman or resident of the island municipalities of Vieques or Culebra whose request for a priority turn is denied in contravention of this Rule and the laws mentioned in Section 1 of this Rule may file a complaint with the Office of the Persons with Disabilities Advocate, the Office of the Retirees and the Elderly Advocate, the Office of the Women's Advocate, the Governor's Office or the Office of the Citizen's Advocate, as may be appropriate.

SECTION 9. QUALIFYING CLAUSE

Any matter not covered by this Rule will be resolved by the Commissioner according to applicable laws, regulations, and executive orders, and any matter that is not provided for in such will be governed by the principles of sound public administration and the principles of current public policy.

Under no circumstances may priority be given to a resident of the island municipalities of Vieques or Culebra with regard to a person with disabilities, a person sixty (60) years old or older or a pregnant woman who is seeking a priority turn at the same time of arrival at the Office.

SECTION 10. SEVERABILITY

If any word, sentence, paragraph, subsection, section or part of this Rule were found to be null or invalid by a court of competent jurisdiction, the order entered by such a court will not affect or invalidate the remaining provisions of this Rule and the effect of such order will be limited to such word, sentence, paragraph, subsection, section or part that has been found to be null.

SECTION 11. REPEAL CLAUSE

Rule No. 78, Regulation No. 6889, titled "Regulation for the Implementation of the Priority Turn System for Persons with Disabilities and for Persons Sixty (60) Years Old or Older who Request Services at the Office of the Commissioner of Insurance" is hereby repealed.

SECTION 12. EFFECTIVE DATE

This Rule will enter into effect within 30 days from the time of filing with the Department of State of Puerto Rico, under the provisions of Public Law No. 170, *supra*.

SIGNED

RAMON L. CRUZ-COLON
COMMISSIONER OF INSURANCE

Date of Approval: February 14, 2012

Date of Filing:

Date of Filing
At the Legislative Library: