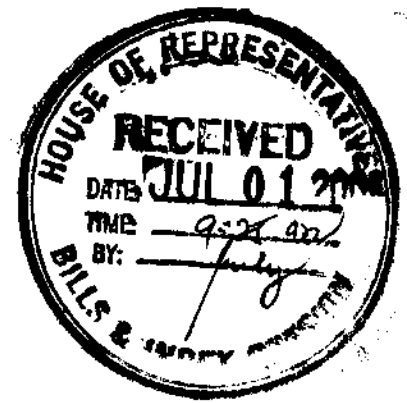


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 48

Introduced by: REP. EMILIO C. MACIAS II

EXPLANATORY NOTE

The Constitution explicitly provides that the State shall promote the right to health of the people and instill health consciousness among them. In pursuance of this Constitutional mandate, the government has implemented various health policies to protect the right to health of the people and public health workers. Specifically, Republic Act No. 8344 penalizes any proprietor, officer, medical practitioner and employee of a hospital or medical clinic who solicit, demand or accept any deposit or any other form of advance payment as a prerequisite for medical treatment or confinement. Likewise, Republic Act No. 7305 otherwise known as the Magna Carta for Public Health Workers aims to promote and improve their living and working conditions and terms of employment in order that they will be more responsive and better equipped to deliver health projects and programs.

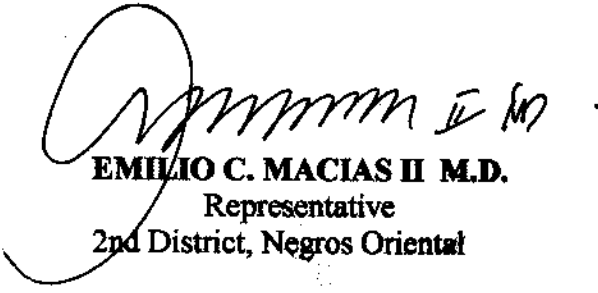
There are also several pending legislative measures in Congress, which seek to provide more rights to patients. Unfortunately, private medical practitioners, the indispensable partner of the government in the delivery of health services to the people, have not been accorded the same legal rights and protection as their counterpart in the public sector.

Even in the absence of a law prohibiting hospitals from detaining a patient or withholding the release of a cadaver for failure to settle hospital bills, some hospitals release the patients or cadavers even before making full payment of hospital bills. However, these hospitals withhold the payment of professional fees of medical practitioners pending full settlement of patients' hospital bills.

This bill therefore, seeks to afford protection to medical practitioners by curtailing this unjust practice of some hospitals and medical clinics to withhold the payment of professional fees. It is the foremost intention of this measure to institute a mechanism that will ensure a fair and equitable terms acceptable to both the hospital and medical practitioners whenever patients make payments of hospital bills.

Moreover, since medical practitioners have no collection agent to demand payment of their professional fees and it would be grossly degrading for them to constantly make follow-ups or verify from hospitals whether their patients have already settled their unpaid hospital bills, hospital or medical clinic shall provide them with a statement of account containing the total professional fee charged, amount already received, balance receivable and update of patients payment.

In view of the foregoing reasons, the immediate approval of this bill is earnestly sought.



EMILIO C. MACIAS II M.D.
Representative
2nd District, Negros Oriental

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 48

Introduced by: **REP. EMILIO C. MACIAS II**

AN ACT
PROVIDING FOR A FAIR AND EQUITABLE TERMS FOR THE RELEASE OF
MEDICAL PRACTITIONERS' PROFESSIONAL FEE WITHHELD BY
HOSPITALS OR MEDICAL CLINICS FOR FAILURE OF THE PATIENT TO
PAY HOSPITAL BILLS AND PENALIZING VIOLATIONS THEREFOR

*Be it enacted by the Senate and the House of Representatives
of the Philippines in Congress assembled:*

SECTION 1. *Short Title.* – This Act shall be known as the “*Medical Practitioners Protection Act of 2004*”.

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to protect and promote the right to health and enhance the right of all the people to human dignity. Toward this end, this Act aims to protect the economic well-being of medical practitioners to ensure a more responsive and efficient delivery of health services to all the people.

SEC. 3. *Definition of Terms.* – As used in this Act, the following terms shall be understood to mean:

1) Medical Practitioner – refers to any person authorized by law to engage in giving diagnosis, treatment and care of persons suffering from illness, diseases or deformity, obstetrical and other medical care and other damage to the mind or body, which includes but not limited to persons practising general medicine, anesthesiology, OB-Gyne, pediatrics, urology, psychiatry, and like medical professions;

2) Hospital – a facility devoted primarily devoted to the diagnosis, treatment and care of individuals suffering from illness, disease, injury, or in need of obstetrical or other medical and nursing care. It shall also be construed as any institution, building and place where there are facilities and personnel for the continued and prolonged care of patients;

3) Medical Clinic – a place in which patients can avail of medical consultation or treatment on an outpatient basis.

SEC. 4. *Payment of Professional Fee.* – Whenever a patient make payment for his hospital bill, the release of the professional fee collected by the hospital or medical clinic shall be subject to the following conditions:

- a. When full payment is made by the patient, the professional fee collected net of the withholding tax shall be released in full;
- b. When partial payment is made by the patient, the professional fee to be released shall be proportionate to the total cost of hospitalization; and the withholding tax deducted by the hospital from the professional fee shall be proportionate to the partial payment made.

Whenever payment is made by the patient, the professional fee shall be immediately deposited into the bank account of the medical practitioner.

SEC. 5. *Statement of Account.* – Hospital or medical clinic shall provide the medical practitioner a monthly update or statement of account containing the total amount of professional fee charged, amount already paid and balance receivable.

SECTION 6. *Prohibited Act.* – It shall be unlawful for any hospital or medical clinic to withhold, except for taxation purposes, the professional fee of medical practitioners due to the patients' failure to pay their hospital bills.

SECTION 7. *Penalty.* – Any clinic or hospital officer, staff or employee found guilty of violating the provision of this Act shall suffer the penalty of *prision correccional* or pay a fine of not less than Twenty thousand Pesos (P20,000.00) but not more than Fifty Thousand Pesos (P50,000.00) or both at the discretion of the court.

SECTION 8. Effectivity. – This Act shall take effect upon its approval.

Approved,