



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH (16th) CONGRESS
Third Regular Session

HOUSE BILL NO. 6341

Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

EXPLANATORY NOTE

Article XIII, Section 11 of the 1987 Philippine Constitution provides for the Filipino people a national health policy: "The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost."

On 05 April 1984, Batas Pambansa Bilang 702 was crafted to address this matter. BP 702 was a landmark legislative measure that aimed to stop the practice of asking for deposits or advance payments for treatment or confinement of patients in emergency or serious cases.

On 25 August 1997, BP 702 was amended by Republic Act No. 8344, or "*an Act penalizing the refusal of hospitals and medical clinics to administer appropriate initial medical treatment and support in emergency or serious cases, amending for the purpose Batas Pambansa Bilang 702.*" RA 8344 outlined the procedure on what a medical facility should do in cases of emergency. The law likewise defined certain terms related to emergency healthcare, and stated penalties should violations were committed.

Despite these measures, there are still cases where patients in emergency or serious cases suffer severe loss of blood or, worst, die while being transported to more distant medical facilities. Said situations can be

remedied if there are nearby private medical facilities that can provide adequate emergency healthcare service without the medical practitioners and owners of such establishments thinking about the patient's capacity to pay for such services.

This bill seeks to introduce a more reliable and efficient emergency healthcare program by including the use of barangay emergency vehicles for transferring patients to different hospitals, expanding of the scope and definition of 'emergency', and allowing participant healthcare providers benefits for expenses incurred in providing service.

Preservation of human life should remain among the top priorities of the government, as each life saved is another person who will contribute to the betterment of our country.

I would not have filed this bill if not for the brilliant idea of one of our constituents in District 6, Quezon City. I would like to thank Mr. Jeffrey Hermoso for his inputs on this matter.

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

Jay Belmont



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HOUSE BILL NO. _____

Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

AN ACT STRENGTHENING THE PROVISION OF EMERGENCY HEALTH CARE SERVICE TO PATIENTS, FURTHER AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 702, AS AMENDED, OTHERWISE KNOWN AS "AN ACT PROHIBITING THE DEMAND OF DEPOSITS OR ADVANCE PAYMENTS FOR THE CONFINEMENT OR TREATMENT OF PATIENTS IN HOSPITALS AND MEDICAL CLINICS IN CERTAIN CASES"

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

SECTION 1. Section 1 of Batas Pambansa Bilang 702, as amended, is hereby amended to read as follows:

"Section 1. In emergency or serious cases, it shall be unlawful for any proprietor, president, director, manager or any other officer, and/or medical practitioner employee of a hospital or medical clinic to request, solicit, demand or accept any deposit or any other form of advance payment as a prerequisite for confinement or medical treatment of a patient, INCLUDING FOREIGNERS, in such hospital or medical clinic or to refuse to administer medical treatment and support as dictated by good practice of medicine to prevent death or permanent disability; OR OTHERWISE REQUIRE

PAYMENT FOR BASIC EMERGENCY CARE SERVICE TO ANY PATIENT: *Provided*, That by reason of inadequacy of the medical capabilities of hospital or medical clinic, the attending physician may transfer the patient to a facility where the appropriate care can be given, after the patient or his next of kin consents to said transfer and after the receiving hospital or medical clinic agrees to the transfer: *Provided, however*, That when the patient is unconscious, incapable of giving consent and/or unaccompanied, the physician can transfer the patient even without his consent: *Provided, further*, That such transfer shall be done only after necessary emergency treatment and support have been administered to stabilize the patient and after it has been established that such transfer entails less risks than the patient's continued confinement: *Provided furthermore*, That no hospital or clinic, after being informed of the medical indications of such transfer, shall refuse to receive the patient or demand from the patient or his next of kin any deposit or advance payment: *Provided, finally*, That strict compliance with the foregoing procedure shall not be construed as a refusal made punishable by this Act.

SEC. 2. Section 2 of Batas Pambansa Bilang 702, as amended, is hereby amended as follows:

"SEC. 2. For purposes of this Act, the following definitions shall govern:

"(a) 'Emergency' – a condition or state of a patient wherein based on the objective findings of a prudent medical officer on duty for the day there is immediate danger and where delay in initial support and treatment may cause loss of life or cause permanent disability to the patient; *PROVIDED*, THAT THE CASE OF A WOMAN IN ACTIVE LABOR, WHO IS ALREADY IN CROWNING STAGE SHALL BE CONSIDERED AS AN EMERGENCY, AND THE MEDICAL FACILITY SHALL PERFORM THE NECESSARY MEASURES AND/OR TREATMENT TO ENSURE THAT THE LABOR GOES WELL INTO THE SEPARATION OF BABY AND PLACENTA.

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"(I) 'BASIC EMERGENCY CARE' – RESPONSE TO A SITUATION WHERE THERE IS URGENTLY REQUIRED MEDICAL CARE AND ATTENTION, AND SHALL INCLUDE PROCEDURES REQUIRED FOR INITIAL DIAGNOSIS, USE OF EQUIPMENT AND SUPPLIES IN ADDRESSING THE EMERGENCY SITUATION, AND OTHER FEES INCURRED AT THE TIME OF BASIC EMERGENCY RESPONSE."

SEC. 3. Section 3 of Batas Pambansa Bilang 702, as amended, is hereby amended as follows:

"SEC. 3. After the hospital or medical clinic mentioned above shall have administered medical treatment and support, it may cause the transfer of the patient to an appropriate hospital consistent with the needs of the patient, preferably to a government hospital, specially in the case of poor or indigent patients.

"A. WHERE THERE IS NO AMBULANCE AVAILABLE FOR USE BY THE HOSPITAL OR MEDICAL CLINIC FOR THE EMERGENCY TRANSFER OF THE PATIENT TO A FACILITY WHERE THE APPROPRIATE CARE CAN BE GIVEN, THE BARANGAY WHERE THE SAID HOSPITAL OR MEDICAL CLINIC IS LOCATED SHALL ALLOW THE FREE USE OF ITS EMERGENCY VEHICLE TO TRANSPORT THE PATIENT TO THE HOSPITAL OR MEDICAL CLINIC WHERE A CONTINUATION OF CARE SHALL BE GIVEN; PROVIDED THAT THE HOSPITAL OR MEDICAL CLINIC SHALL PROVIDE A STAFF NURSE WITH ADVANCE CARDIO LIFE SUPPORT (ACLS) CERTIFICATION, OR ITS EQUIVALENT, IF AVAILABLE, TO ACCOMPANY THE PATIENT IN THE SAID VEHICLE.

"B. THE COST OF THE BASIC EMERGENCY CARE TO BE GIVEN BY A HOSPITAL OR MEDICAL CLINIC TO POOR AND INDIGENT PATIENTS SHALL BE TAX DEDUCTIBLE IN FAVOR OF THE SAID HOSPITAL OR MEDICAL CLINIC."

SEC. 4. Section 5 of Batas Pambansa Bilang 702, as amended, is hereby amended as follows:

"SEC. 5. The Department of Health AND THE BUREAU OF INTERNAL REVENUE shall promulgate the necessary rules and regulation to carry out the provisions of this Act."

SEC. 5. All statutes, provisions, or regulations not consistent with the provisions herein are hereby repealed or modified.

SEC. 6. This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,

A handwritten signature in dark ink, appearing to be "N. B. Montano", is located in the bottom right corner of the page.