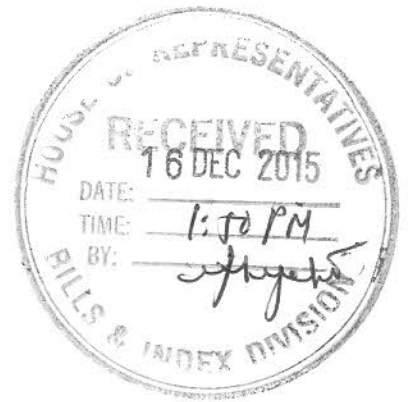


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6348



Introduced by Representative Roman T. Romulo
Lone District of Pasig City

EXPLANATORY NOTE

Just recently, President Aquino issued Executive Order No. 192 transferring the jurisdiction of Health Maintenance Organizations from the Department of Health (DOH) to the Insurance Commission (IC) in order to regulate and supervise the establishment, operations and financial activities of HMOs.

HMO refers to a juridical entity legally organized to provide or arrange for the provision of pre-agreed or designated health care services to its enrolled members for a fixed pre-paid fee for a specified period of time.

According to an old adage, "Health is Wealth." This is specially true in the Philippines considering the high cost of health services. As such our government enacted several measures to lessen our out of pocket expenses for healthcare.

However, despite valiant efforts toward this end, much more needs to be done. As an added security, some of our people are getting health cards being offered by HMOs and paying a certain fee as a premium so they will enjoy free medical consultations, laboratories and hospitalizations. Some are lucky when such is part of the benefits being provided by the government agency or private company they are employed.

Said health cards are undoubtedly a big help not only in times of medical emergencies but also in order to monitor one's health. This representation is therefore extremely disappointed when I was told that some HMOs are imposing an age limit in order for one to be enrolled under the health care services it provides. In many cases, it's our senior citizens who are automatically disqualified.

Rather than providing them assistance, our senior citizens are seemingly being discriminated by this unreasonable policy.

This should not be allowed to persist, senior citizens should be allowed to avail the services of HMOs in order that they can be more secure in case of a medical need.

In view of the foregoing, early passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to be "Roman T. Romulo".

ROMAN T. ROMULO

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HOUSE BILL NO. 6348

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AN ACT PROHIBITING HEALTH MAINTENANCE ORGANIZATIONS (HMOs) AND/OR ITS PROVIDERS FROM DENYING HEALTH CARE SERVICES TO SENIOR CITIZENS OR IMPOSING AN AGE LIMIT OR CEILING TO ENROLL OR AVAIL ITS HEALTH CARE SERVICES, IMPOSING PENALTIES FOR VIOLATIONS THEREOF, AND OTHER PURPOSES

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

Section 1. Short Title - This Act shall be known as the "Anti-Healthcare Age Discrimination Act."

Section 2. Declaration of Policy. - It is hereby declared that the State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make health services available to all. Further, it is mandated to accord full protection and support the improvement of the total well being of the elderly and recognize the important role of the private sector in the improvement of the welfare of senior citizens.

Section 3. Prohibition Against Age Discrimination – Health Maintenance Organizations (HMOs) and/or its providers as defined under Republic Act No. 7875 as amended by Republic Act No. 10606 shall be prohibited from denying health care services to senior citizens or imposing an age limit or ceiling on persons who may enroll or avail of their health care services. Likewise, they shall also be prohibited from including an automatic termination or extinguishment of policy clause on the account of reaching a certain age.

Section 4. Damages. - Any person who on account of age shall be denied by an HMO or its health care providers from enrolling or availing its health care services shall be entitled to moral and exemplary damages.

Section 5. Fines. - Health Maintenance Organizations (HMOs), their agents or health care providers who shall refuse to offer their health care services to people in violation of this Act shall be punished with a fine of not less than One hundred Thousand Pesos (Php100,000.00) to Three Hundred Thousand Pesos (Php 300,000.00).

Section 6. Repealing Clause. - All laws, decrees and orders or parts thereof which are contrary to or inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section 7. *Separability Clause.* - If any part or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in force and effect.

Section 8. *Effectivity.* - This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

APPROVED,