

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL No. **5413**



Introduced by : HON. ELISA T. KHO

EXPLANATORY NOTE

This bill seeks to integrate the Philippine Medical Association, Inc. (PMA), the existing umbrella organization of the medical profession, as the Accredited Professional Organization (APO) of Physicians by the Professional Regulation Commission (PRC). By way of integration, it makes the PMA as a partner of the government in the improvement of the country's health care service and delivery system. It is basically designated to ensure and preserve the integrity, competence, accountability and accessibility of the medical profession.

As a background, the PMA is a duly registered non-stock, non-profit organization. It was founded, 15 September 1903 or during the American period, 111 years ago.

PMA is acknowledged in the Medical Act of 1959 and used as reference or referred to in many laws of the country. PMA is an "institution" registered in the National Historical Institute. PMA is also recognized as one of the Professional Medical Regulatory Authorities (PMRA) in the Asean Mutual Recognition Agreement (MRA). The other being the Professional Regulation Commission Board of Medicine (PRC-BOM).

The Philippine Medical Association (PMA) for its entire 111 years of existence has been the mother organization of physicians. It is recognized by International Medical Organizations like the World Medical Association (WMA), the World Health Organization (WHO), the Medical Association of South East Asian Nations (MASEAN), the Confederation of Medical Associations in Asia and Oceania (CMAAO), American Medical Association, all agencies of our government and private organizations.

PMA has contributed much to the development of health care in the country. PMA was instrumental in the creation of what is now known as the Department of Health, the University of the Philippines College of Medicine, the Medicare Commission (Philhealth now) and the PMA Code of Ethics.

The PMA brings together the entire medical profession under one roof to serve as authoritative source of information on health, disease and medical practice. It is responsible for the training of specialists through its Specialty Societies. It is responsible for the sustained excellent quality healthcare delivery through its continuing medical education, program of clinical practices, guidelines, directly or through the specialty societies. It policies its ranks through the PMA Code of Ethics.

The PMA has eight specialty divisions such as Pathology, Radiology, Anesthesiology, Surgery, Internal Medicine, Pediatrics, Obstetrics and Gynecology and Family Medicine. All of these specialty have several sub-specialty societies.

There are 28,000 physicians who are active members of the PMA. Membership in the PMA is coursed through the Component Society. There are presently 118 Component Societies, which is the basic unit of the PMA, equitably distributed in all regions of the country. All provinces and cities in the Philippines have Component Societies, more popularly known as medical societies.

A group of these medical societies form a region or regional council. The Board of Governors exercise control and supervision over the regional councils and the component societies. The Board of Governors has the power to regions and component societies or de-list existing ones.

Aside from its by-laws, the PMA has codes governing its affairs and the conduct of its members. Among its codes are the Administrative Code, Code of Professional Specializations, the code on Continuing Medical Education, Code of Ethics, the election Code and Mutual Aid Code and Guidelines on Protocol and Procedures and Guidelines on Affiliate Societies.

For the benefit of its members, the PMA and its Specialty Societies conduct periodic seminars, workshops and conventions educating its members on the latest medical technology and medicines. Its Specialty Societies determine the specialists in the various fields of medicine.

There is no other medical organization that possess the breadth, composition, membership and nationwide coverage of the PMA. In almost all matters affecting health or the medical profession, the government seeks the advice of the PMA.

Further, this proposed legislation wants to get rid of the so-called misfits in the medical profession or those found to be negligent in their practice. The negligent acts of some doctors have led to a spate of incidents where patients die, are maimed or scarred, or suffer physical injuries.

Under existing laws, a patient has three (3) options to remedy or punish such negligent acts, one is the filing of a criminal action under the Revised Penal Code under Article 365 (reckless imprudence), the second is the filling of a civil case for the recovery of damages and the third is the filling of a case before the Professional Regulations Commissions (PRC) for the revocation of the license of the doctor.

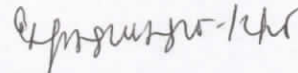
Patients usually find the remedies inconvenient and ineffective because :

- a. Court or administrative actions are time consuming since the courts and the PRC's dockets are already clogged;
- b. It entails considerable expense;
- c. Court or administrative actions involve too much technicalities.

This bill provides a patient with a fourth and perhaps the most efficient remedy, by filing a case with an integral professional medical organization. The medical profession, just like the legal profession, once integrated shall mean that no doctor can practice his/her profession unless he/she become a member of such integrated profession organization. An aggrieved patient may now seek the revocation of membership of a doctor in that professional medical organization.

This bill in making the PMA as the integrated professional medical organization, mandates all physicians who are engaged or will engage in the practice of medicine to become members of the PMA. It likewise becomes a professional medical organization that can serve as an extension of the government at no cost in regulating the medical profession, maintaining the high standard and ethical conduct of medical practitioners and help in the continued efficient and quality delivery of health care and service.

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



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AN ACT
INTEGRATING THE MEDICAL PROFESSION OF THE PHILIPPINES

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

SECTION 1. **Title** – This Act shall be known and cited as the “**INTEGRATED MEDICAL PROFESSIONAL ORGANIZATION ACT OF 2014**”.

SECTION 2. **Declaration of Policy** – The state recognizes the vital role of Physician in the preservation, maintenance, safeguard, cure and enhancement of the life, health and general welfare of the citizenry. Physicians’ professional services shall be therefore be promoted as an integral part of the total health care system. Integrating the practicing physicians under one medical professional organization will further streamline the attainment of these objectives.

SECTION 3. **Objectives** :

1. To assist the Regulatory Board of Medicine in the implementation of its policies, Rules and Regulation in the supervision, control and regulation of the practice of Medicine;
2. To help government agencies in improving the distribution of health providers and the delivery of health care to the community;
3. To enable the Medical Profession to discharge its social responsibilities more effectively;
4. Promotion of alternative Dispute Resolution through mediation to achieve speedy and impartial justice and reduce law suits;
5. Promote a continuing program of medical research, and make report and recommend them;
6. To elevate the stands of the Medical Profession;
7. Promotion of competence, moral values, ethical and professional attitude of Physicians;
8. Cultivate among its members a spirit of cordiality and brotherhood;
9. Promotion of continuing Medical Education;
10. Safeguard the professional interest of the members.

SECTION 4. Integration - The Philippine Medical Association, Inc. (PMA) the recognized Accredited Professional Organization of Physicians (APO) is hereby integrated as the Official Integral Professional Medical Organization of the Philippines. PMA as the Integrated Medical Professional Organization of the Philippines, in coordination with the Regulatory Board of Medicine shall implement the integration of the medical profession in accordance with the provisions of this Act. The Provisions of this Act shall prevail over that of the Philippine Medical Association.

SECTION 5. Organization - The organizational structure of the PMA as a non-stock, non-profit corporation duly registered with the Securities and Exchange Commission shall be retained, however, PMA is enjoined to amend its constitution and By Laws to conform with that of the Provisions of this Act, including its implementing Rules and Regulations.

SECTION 6. Membership - All Physicians duly registered by the Regulatory Board of Medicine either in the private practice of medicine or in the government services shall become members of the PMA. Membership in good standing in the PMA shall be a mandatory and continuing condition for the legal practice of medicine in the Philippines.

SECTION 7. Power and Functions of the Integrated Medical Professional Organization - The Association shall have the following powers and functions :

- (a). Keep a roster of all physicians who were issued Certificate of Registration by the Regulatory Board of Medicine and those in active practice of the profession;
- (b). Issue valid identification card to members of the profession in active practice;
- (c). Recommend to the President of the Philippines appointees to the Regulatory Board of Medicine;
- (d). Set general guidelines for the establishment of medical associations shall, within one (1) year from the effectivity date of this Act comply with the guidelines;
- (e). Investigate motu proprio, or upon complaint by any person, any ground for administrative sanctions, reprimand, suspension or expulsion from membership, against members of the profession and recommend to the Regulatory Board of Medicine appropriate sanctions against the erring member;
- (f). Investigate allegations of illegal practice by non-members of the profession, and initiate the prosecution of the same to protect the profession;
- (g). Undertake mandatory continuing medical education on the members in coordination with the Regulatory Board of Medicine;
- (h). Supervises the Specialty organizations in their specialization process, and their activities;

- (i). Exact reasonable dues from all the members of the profession in active practice; and
- (j). Undertake such matters that will strengthen the profession and protect it against persons engaged in illegal practice.

SECTION 8. Professional Specializations - PMA as the Integrated Medical Professional Organization shall supervise the conduct of specialization process and the activities of its Specialty Organizations. Specialty Organizations shall coordinate with the Integrated Medical Professional Organization any amendment to its organizational structure or any major policy changes.

Specialty organizations shall determine the requirements and criteria for specializations, regulate and accredit training programs, conduct the certification process and confer the specialization in coordination with the Regulatory Board of Medicine and the Integrated Medical Professional Organization and the Regulatory Board of Medicine and shall update the same as often as necessary.

Due consideration must be given to Physicians who have completed the training programs accredited by the Specialty organizations, or by the Department of Health prior to 1988 when the department was still certifying DOH Specialists, and those who have acquired adequate expertise through long years of practice, who are already practicing the specialization as of the date of implementation of this Act. Specialty organizations must promulgate policies to allow selectively the above of physicians to practice the specialization and to continue to assist them to become certified specialists.

SECTION 9. Complaints - The PMA as the Integrated Medical Professional Organization shall have the authority to hear and decide professional and administrative complaints against its members. It shall prescribe its rules of procedure that shall govern the conduct of its proceedings. The rules shall be liberally construed and the technical rules of procedure on evidence shall not be strictly applied in order to have a speedy, just and efficient resolution of cases.

In this regard, the PMA as the Integrated Medical Professional Organization shall exercise its authority to hear and decide professional and administrative complaints against its members through the PMA Commission on Ethics and assisted by at least one legal counsel and shall be headed by a Chairman, a respected member of the association.

SECTION 10. Grounds - A person may file a verified complaint in the PMA as the Integrated Medical Professional Organization of the Philippines against any member thereof on the following grounds:

- (a). Gross negligence, ignorance or incompetence in the practice of his/her profession;
- (b). Conviction by a court of competent jurisdiction of any criminal offense involving moral turpitude;

- (c). Immoral or dishonourable conduct;
- (d). Insanity;
- (e). Fraud in the acquisition of the certificate of registration and professional license or renewal thereof;
- (f). Addiction to alcoholic beverages or to any habit-forming drug rendering him or her incompetent to practice his or her profession;
- (g). False or extravagant or unethical advertisement;
- (h). Performing or aiding in any criminal abortion;
- (i). Knowingly issuing any false medical certification;
- (j). Issuing any statement or spreading any news or rumor which is derogatory to the character and reputation of another physician without justifiable motive;
- (k). Aiding or acting as a dummy or unqualified or unregistered persons to practice medicine ; or
- (l). Violation of the Code of Ethics of the PMA.

SECTION 11. Penalties - The PMA as the Integrated Medical Profession Organization of the Philippines shall impose the penalties of reprimand, suspension or expulsion depending on the gravity of the offense. If any of the grounds, enumerated in Section 9 hereof shall result in the death or permanent disability of a patient the highest penalty of expulsion shall be imposed.

SECTION 12. Medical Malpractice Mediation - To promote autonomy in the resolution of disputes in accordance with R.A. 9285 (An Act to institutionalize the use of an alternative dispute system in the Philippines and to establish the office for alternative dispute resolution and for other purposes) on Alternative Dispute Resolution (ADR), complaints on Medical Error or Malpractice must be lodged with the PMA first before being elevated to the Regulatory Board of Medicine or the Court if resolved. To achieve speedy and impartial justice to de-clog case dockets.

SECTION 13. Implementing Rules and Regulations (IRR) - The PMA as the Integrated Medical Professional Organization in coordination with the Regulatory Board of Medicine shall take effect after fifteen (15) days following their publication of this Act. The IRR shall take effect after fifteen (15) days following their publication in two (2) daily newspaper of general circulation. Where there is conflict with the provisions of the constitution and By-Laws of the Philippine Medical Association, Inc. the provisions of this Act shall prevail.

SECTION 14. **Separability Clause** - If any clause, provision, paragraph or part hereof be declared unconstitutional or invalid, such judgement shall not affect, invalidate or impair any other part hereof, but such judgment shall be merely confined to the clause, provision, paragraph or part directly involved in the controversy in which such judgment has been rendered.

SECTION 15. **Repealing Clause** - Provisions on the Integration of the Medical Profession of Republic Act No. 2382 also known as "The Medical Act of 1959", as amended by Republic Act Nos. 4224 and 5946, and in all laws amending said Act, as well as all issuances to implement the same integration, are hereby repealed. All other laws, decrees, executive orders and other administrative issuances and parts thereof which are inconsistent with the provisions of this Act are hereby modified, amended, superseded or repealed accordingly.

SECTION 16. **Effectivity** - This act shall take effect fifteen (15) days after its publication in the Official Gazette or in any major leading newspaper of national circulation, whichever is earlier.

Approved,