

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **5810**



Introduced by **HONORABLE SCOTT DAVIES S. LANETE, M.D.**

EXPLANATORY NOTE

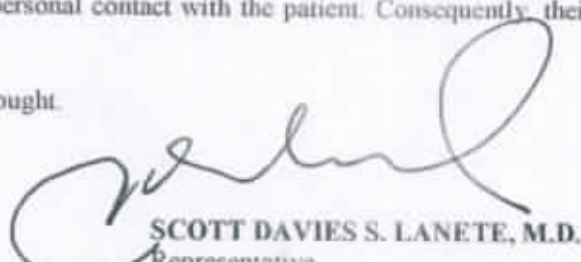
During the advent of the 1987 Constitution, the State saw decentralization as a solution to the inability of the government to implement an efficient system of providing basic services to the people. It devolved the delivery of basic services to the local government units who were deemed most effective in assessing the needs of the people and more efficient in delivering services. Decentralization brought the government closer to the people.

However, decentralization has not been fully and effectively implemented. In the field of health, local government units have been given the control and supervision over government hospitals. But despite this, most of the hospitals that specifically cater to certain ailments and patients are still found in Metro Manila, the capital of the Philippines. Among the specialized hospitals are the Lung Center of the Philippines, National Kidney and Transplant Institute, Philippine Children's Medical Center, and the Philippine Heart Center.

At present, there are no hospitals with these specializations situated in Visayas and Mindanao. Most of the hospitals found in these areas, although efficient in terms of curing ordinary illnesses, are not equipped with the proper medical staff and equipment necessary for treating patients with special needs. In effect, people with said illnesses still need to travel to Metro Manila for treatment. Sadly, because of the distance and additional costs of travelling, most Filipinos do not make it to these specialized hospitals in time for treatment.

This bill aims to bring the government even closer to the people. It seeks to establish Telehealth centers in every hospital. Telehealth centers, as advocated by the Center for Connected Health Policy, are more efficient means – in terms of both money and time – of delivering medical attention to patients especially those living far from the major hospitals in the country. With these Telehealth centers readily accessible in all hospitals, our brothers and sisters living in far-flung areas need not travel to Metro Manila for diagnosis or treatment as a doctor in Manila, using audiovisual communications technology, can now diagnose and prescribe the right treatment procedure for every patient thereby dispensing the need for a personal contact with the patient. Consequently, their lives will become more convenient.

Hence, the passage of this law is urgently sought.



SCOTT DAVIES S. LANETE, M.D.
Representative
Third District, Province of Masbate

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**AN ACT TO ESTABLISH TELEHEALTH CENTERS IN EVERY HOSPITAL
IN THE COUNTRY, ESTABLISHING A MECHANISM THEREFOR,
PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES**

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

Sec. 1. *Short Title.* This Act shall be known as "Telehealth Act."

Sec. 2. *Declaration of Policy.* It is the policy of the State to protect and promote the right to health of the people.

Sec. 3. *Definition of Terms* – As used in this Act, the following terms shall mean:

a) Telehealth - a collection of means or methods for enhancing health care, public health, and health education delivery and support in the field of dentistry, counseling, physical and occupational therapy, home health, chronic disease monitoring and management, etc., using telecommunications technologies that perform live video, store-and-forward, remote patient monitoring and mobile health.

b) Telehealth Center – an office located within a hospital designated for the purpose of conducting telehealth services and is equipped with the necessary tools and manpower.

c) Live video - Live, two-way interaction between a person (patient, caregiver, or provider) and a provider using audiovisual telecommunications technology. This type of service is also referred to as "real-time" and may serve as a substitute for an in-person encounter when it is not available.

d) Store-and-forward - Transmission of recorded health history through a secure electronic communications system to a practitioner, usually a specialist, who uses the information to evaluate the case or render a service outside of a real-time or live interaction. As compared to a real-time visit, this service provides access to data after it has been collected, and involves communication tools such as secure email.

e) Remote patient monitoring: Personal health and medical data collection from an individual in one location via electronic communication technologies, which is transmitted to a provider (sometimes via a data processing service) in a different location for use in care and related

support. This type of service allows a provider to continue to track healthcare data for a patient once released to home or a care facility, reducing readmission rates.

f) **Mobile health:** Health care and public health practice and education supported by mobile communication devices such as cell phones, tablet computers, and PDAs. Applications can range from targeted text messages that promote healthy behavior to wide-scale alerts about disease outbreaks, to name a few examples.

Sec. 4. Establishment of Telehealth Centers - It shall be established a Telehealth Center in each and every hospital in the country.

These Telehealth centers shall be equipped with the necessary audiovisual communications technology that will enable each Telehealth center to communicate with each other in real time.

These Telehealth centers shall be a non-profit public institution and their purpose being primarily to give free access to virtual medical care to as many residents as possible. Their objectives shall be:

- (a) To provide people in rural and far-flung areas with no adequate access to specialized medical care with a virtual access at no cost to them where warranted;
- (b) To give these people easy access to fast and efficient treatment and diagnosis, especially the poor and indigent among them;

Sec. 5. Hospital Board - To carry out the purpose and objectives enumerated in Section Two and Three of this Act, there is hereby created the governing board of the Telehealth Center, respectively, which shall hereafter be known as the Telehealth Center Board.

The Telehealth Center board shall be composed of ten members with the Secretary of the Department of Health as ex-officio chairman, four members, each one of whom coming the Lung Center of the Philippines, National Kidney and Transplant Institute, Philippine Children's Medical Center, and the Philippine Heart Center and five members coming from the private sector.

The members of the Telehealth Center Board shall be appointed by the President of the Philippines and shall receive no salary. They shall, however, receive a per diem of not exceeding Two Thousand Pesos for every meeting of the Board actually attended: provided, however, that the total amount of per diem for all the meetings of the Telehealth Center Board in a single month shall not exceed Ten Thousand.

Members of the Telehealth Center Board who are not officers of the Government shall serve for a term of four years renewable for another term only.

The Board Secretary shall be appointed by the Chairman from the ranking members of the hospital staff.

Sec. 6. Powers and Duties of the Hospital Board - Subject to existing laws, the Telehealth Center Board, as the governing and policy-making body of the Telehealth Centers, shall have such powers as are necessary to carry out the purpose and objectives enumerated in this Act,

including the exercise of corporate powers. It shall perform the following functions and duties:

- (a) To promulgate and prescribe the rules and regulations for the administration of the affairs of Telehealth Centers.
- (b) To study, propose and approve plans for the improvement of Telehealth Center services.
- (c) To propose, study and approve or, amend or revise the organizational structure of Telehealth Centers, in order to meet the exigencies of the service, subject to existing laws and regulations on the matter and consonant with the principles of sound hospital administration.
- (d) To consider and approve appointments and promotions of all staff personnel, medical and administrative, and other employees upon the recommendation of the Telehealth Center Director.
- (e) To investigate all cases of anomalies, negligence or misconduct of all Telehealth Center personnel including the Director. It shall have the final authority to pass upon the removal, separation, and suspension of such personnel subject to the Civil Service Rules and Regulations.
- (f) To make an internal audit once a year of the business operation of the Telehealth Center.
- (g) To receive in trust, legacies, gifts, land grants and donations of real and personal property of all kinds, tax free, and to administer the same for the benefit of the hospital or a department of service thereof. Foreign and domestic donors of legacies, gifts, grants and donations under this section shall be exempt from any tax of whatever kind and nature to the extent of the full amount donated, provisions of existing laws to the contrary notwithstanding.
- (h) To consider and approve the budget prepared by the hospital administration for submission to the Congress of the Philippines through the Budget Commissioner.

Sec. 7. Meeting of the Board; Quorum. — The Telehealth Center Board shall meet regularly once a month at the Department of Health on a regular date fixed for the purpose. Special meetings may be called as often as necessary, subject to Paragraph Two of Section Five hereof. A majority of the members shall constitute a quorum. All decisions of the Board must be by a majority of the members present.

Sec. 9. The Telehealth Center Director; Auditor. — There shall be a Telehealth Center Director, elected by a majority vote of the Telehealth Center Board: provided, that the recommendee is qualified under the Civil Service Laws and Rules.

The Telehealth Center Director shall serve until otherwise incapacitated or removed for cause and shall receive an annual salary equivalent to that of Chief of Hospital IV under the Salary Plan of the Wage and Position Classification Office. He shall have charge of the hospital and shall have the powers in respect to the hospital as are vested by law in chiefs of hospitals.

Specifically, the Telehealth Center Director shall:

- (a) Be responsible for the implementation of all policies, decisions and orders of the Telehealth Center Board;

(b) Have immediate supervision and control over the affairs of the Telehealth Centers as well as its management and administration, subject to the authority of the Telehealth Center Board;

(c) Prepare and submit to the Telehealth Center Board periodic reports on the state of affairs, financial conditions, budgetary requirements and other problems of the hospital together with the corresponding recommendations thereon; and

(d) Perform such other duties as the Telehealth Center Board may from time to time direct him to do, consonant with the dignity and responsibility of the office.

The Telehealth Center Board shall appoint an auditor who shall be the representative of the Auditor General who is hereby designated as ex-officio auditor of all Telehealth Centers.

The auditor shall be the chief of its auditing and accounting department. He shall audit, examine and settle all accounts of the Telehealth Centers, according to existing laws and regulations and shall perform such other duties as the Auditor General, Telehealth Center Director or the Telehealth Center Board may require him. His compensation shall be fixed by the Telehealth Center Board.

Sec. 10. *Heads of Departments and Services; Compensations.* — The participating heads of departments and services as well as medical consultants and specialists shall be appointed by the Telehealth Center Board upon recommendation of the Telehealth Center Director. Their compensations shall be prescribed by the Telehealth Center Board but the same shall in no case be less than provided for under existing laws and regulations.

All other personnel and employees of the Telehealth Centers shall be appointed by the Telehealth Center Director subject to the approval of the Telehealth Center Board.

Sec. 11. *Telehealth Center Trust Funds.* — All funds and money not coming from the general fund of the National Government such as contributions from taxes and assessments from authorized sweepstakes lotteries and games, donations, legacies, endowment shall be used and disbursed only upon the authorization of the Telehealth Center Board for the purpose of improving the Telehealth Centers, its facilities and services, including the purchase of supplies and equipment.

Sec. 12. *Supervision by the Department of Health.* — The Telehealth Centers shall be under the supervision of the Department of Health.

Sec. 13. *Implementing Agency.* — The Department of Health shall ensure the implementation and enforcement of this Act.

Sec. 14. *Implementing Rules and Regulations.* The Department of Health shall have the power to promulgate the implementing rules and regulations as may be necessary to fully implement the objectives and purposes of this Act within one (1) year from the approval hereof.

Sec. 15. *Separability Clause.* If any part or provision of this Act shall be held unconstitutional or invalid, other provisions which are not affected thereby shall continue to be in full force and effect.

Sec. 16. *Repealing Clause.* All laws, issuances or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 17. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved.