

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9445



Introduced by **HON. LUIS RAYMUND “LRAY” F. VILLAFUERTE, JR.**

AN ACT
REQUIRING DENTISTS, DENTAL HYGIENISTS AND DENTAL
TECHNOLOGISTS TO KEEP PATIENT DENTAL RECORDS, REPEALING
FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1575, OTHERWISE
KNOWN AS THE LAW “REQUIRING PRACTITIONERS OF DENTISTRY TO
KEEP RECORDS OF THEIR PATIENTS”, PROVIDING FUNDS THEREFOR
AND FOR OTHER PURPOSES

This bill proposes to eliminate the need to wait for ten (10) years before the National Bureau of Investigation may begin to receive dentition records. It intends to expedite the identification of victims of crime or mass fatality incidents, whether natural or man-made.

While DNA profiling is considered to be one of the most reliable and efficient means to identify victims of crimes or natural disasters, it is also prohibitively expensive. The most viable alternative is to look into the dental features of the victims of civil catastrophes, crimes, and accidental deaths for their identification. More victims might be identified if a standardized method of taking, maintaining and storage of dental records were being practiced.

Moreover, the dental enamel is the hardest and most indestructible part of the human body. It can be destroyed only at exceedingly high temperatures. This bill proposes to make available dentition records for the proper identification of victims. In doing so, we improve our chances at expediting the resolution of cases and easing the plight of the affected families.

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


LUIS RAYMUND “LRAY” F. VILLAFUERTE, JR.

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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 the “Forensic Odontology Act.”

SECTION 2. Statement of Policy – It shall be the duty of all dental practitioners to create and maintain accurate and complete dentition records that serve the best interests of their patients and that contribute to the safety and continuity of the community onto which they practice their trade. These records shall include the history and description of the patient's dentition and the treatments made thereon.

SECTION 3. Duty of all Dental Practitioners – Dental practitioners shall have the professional and legal responsibility to:

- A. Keep as confidential the information they collect and record about their patients;
- B. Assist their patients to make well-informed decisions about treatment procedures; and
- C. Retain, transfer, dispose of, correct and provide access to dental records in accordance with the requirements of similar laws or issuances of the Professional Regulations Commission (PRC), Board of Dentistry (BOD) or the National Bureau of Investigation (NBI).

SECTION 4. Ensuring the integrity of Dental Records – In order to ensure the integrity and reliability of patient dental records, Dental Practitioners are expected to observe the following:

- A. A dental record must be made at the time of the appointment or as soon thereafter

as practicable.

B. Entries on a dental record must be made in chronological order, accurate and concise.

C. Dental records must be retrievable promptly when required.

D. Dental records must be stored securely and safeguarded against loss or damage including a secure backup of electronic records.

E. The original information must also be reflected in corrected dental records; and

F. A treating dental practitioner shall have the sole responsibility for the accuracy of medical and dental information of his/her patient.

SECTION 5. Submission of Dental Records to the NBI – All Dental Practitioners, through the Board of Dentistry or its Regional/District Offices shall, at the close of every quarter, submit to the National Bureau of Investigation or through its Regional/District Offices a copy of the dentition records of every patient. These NBI Regional/District Offices shall in turn forward such records to the Forensic Investigation Service for proper recording and storage.

SECTION 6. Access and Disclosure of Records – Dental Practitioners shall ensure and maintain the confidentiality of their patient's records. In this regard, the viewing, copying, examination or disclosure of records obtained in accordance with this Act shall only be allowed in the following instances:

A. In case of mass fatality incidents brought about by man-made or natural disasters;

B. In connection with an on-going investigation by Agents of the National Bureau of Investigation or prosecution of an offense;

C. Upon lawful order of the Court, in connection with a pending criminal or civil action;

D. In cases where the identity of the perpetrator or victim of a criminal offense need to be ascertained; and

E. Other analogous instances.

SECTION 7. Retention of Dental Records – In order to carry out the provisions under this Act, Dental Practitioners are required to retain copies of their patient's dental records for a period of not less than ten years, reckoned from the date of the last entry.

SECTION 8. Implementing Rules and Regulations – Within one hundred (100) days from the effectivity of this Act, the Professional Regulations Commission, together with the Board of Dentistry and the National Bureau of Investigation, shall promulgate such rules as may be necessary to carry out the provisions of this Act.

SECTION 9. Penalty – Any person who violates any provision of this Act shall suffer the penalties provided hereunder:

A. For the first conviction, a fine of not less than Thirty thousand pesos but not more than Fifty thousand pesos and suspension of appropriate authorization to practice Dentistry for one (1) year shall be imposed;

B. For the second conviction, a fine of more than Fifty hundred thousand pesos but not more than One hundred thousand pesos and suspension of appropriate authorization to practice Dentistry for three (3) years shall be imposed;

C. For the third and subsequent convictions, a fine of more than One hundred

thousand pesos but not more than Two hundred thousand pesos and suspension of appropriate authorization to practice Dentistry for Five (5) years shall be imposed; and

D. Any NBI official or employee who shall violate the provisions of this Act shall be the subject of appropriate criminal, civil or administrative action, as maybe prescribed by relevant laws, rules or issuances.

SECTION 10. Appropriation Clause – The funding requirement for the implementation of this Act shall be included in the General Appropriations Act starting from the year following its enactment into law.

SECTION 11. Separability Clause – If any of the sections or provisions of this Act is held invalid, all other provisions not affected thereby shall remain valid.

SECTION 12. Repealing Clause – All laws, decrees, issuances, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 13. Effectivity – This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,