

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 1591

Introduced by

HON. YEDDA MARIE K. ROMUALDEZ
and
HON. JUDE A. ACIDRE

AN ACT
EXPANDING THE SCOPE OF MEDICAL PRACTICE THROUGH PROVIDING
GUIDELINES FOR TELEMEDICINE SERVICES, AMENDING REPUBLIC ACT NO.
2382, OR THE MEDICAL ACT OF 1959, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

This measure seeks to expand the scope of medical practice by institutionalizing the practice of telemedicine in the country so as to make healthcare services accessible and available to a broader audience.

The 1987 Constitution guarantees the right to health of the people and the accessibility and availability of health and other social services to all the people as provided for in Article II, Section 15 and in Article XIII, Section 11, where it states:

“SECTION 15. The State shall protect and promote the right to health of the people and instill health consciousness among them.

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SECTION 11. 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.

There shall be priority for the needs of the underprivileged sick, elderly, disabled, women, and children. The State shall endeavor to provide free medical care to paupers."

Since the pandemic started, people have been encouraged to adapt the "new normal" and it highlights the significance of using and maximizing technological advancements more than ever. In order to continue rendering services to the people especially in times of pandemic, it is imperative to propose measures that addresses such changes in our society.

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



Rep. YEDDA MARIE K. ROMUALDEZ
Representative, Tingog Sinirangan



Rep. JUDE A. ACIDRE
Representative, Tingog Sinirangan

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REPUBLIC ACT NO. 2382, OR THE MEDICAL ACT OF 1959, AND FOR
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 "Telemedicine Act."

Section 2. *Declaration of Policy.* The State recognizes the right of the Filipino people to health, including access to health services, especially in times of a pandemic, where the new normal sets to maintain the state of physical distancing and the public's limitation to travel and movement. It is high time, therefore, to introduce, and at the same time regulate, the practice of telemedicine in the Philippines. It is the intent of the legislature to recognize the practice of telemedicine as a legitimate means by which a patient may receive medical services from a licensed physician without physical contact.

Section 3. *Objectives.* This Act provides for and shall govern the:

- a. Provision of access to health services in medically underserved rural and urban areas;

- b. Standardization, upgrading, and maintenance of the distinct domain of telemedicine;
- c. Supervision and regulation of the practice and operations of telemedicine;
- d. Upholding of competence, values, and profession ethics of physicians who will engage with the telemedicine practice.

Section 4. *Definition of Terms.* As used in this act, the following terms shall mean:

- a. *Practice of Medicine* refers to acts constituting practice of medicine.

A person shall be considered as engaged in the practice of medicine when he or she (a) shall, for compensation, fee, salary or reward in any form paid to him directly or through another, or even without the same, physically or remotely examine any person, and diagnose, treat, operate, or prescribe any remedy for human disease, injury, deformity, physical, mental or psychical condition, or any ailment, real or imaginary, regardless of the nature of the remedy or treatment administered, prescribed or recommended; or (b) shall by means of signs, cards, advertisements, written or printed matter, or through the radio and television, either offer or undertake by any means or method to diagnose, treat, operate, or prescribe any remedy for any human disease, injury, deformity, mental or physical condition; or, (c) shall falsely use the title of M.D. after his name.

- b. *Telemedicine*, as defined by the World Medical Association, refers to the practice of medicine over a distance, in which interventions, diagnostics, and treatment decisions and recommendations are based on data, documents, and other information transmitted through telecommunication systems.
- c. *Physician* refers to a professional duly-licensed to practice medicine, or otherwise permitted to engage in the practice of medicine by the Medical Act of 1959.
- d. *Patient* refers to any person receiving medical treatment.

- e. *Domain* refers to a specified field of knowledge or activity.
- f. *Telecommunication systems* refer to a collection of nodes and links, including devices and technology used, to enable telecommunication.

Section 5. *Applicability.* This law shall apply to all physicians or persons engaged in the industry of telemedicine, including hospitals and establishments which offer telemedicine to its patients through its physicians.

Section 6. *Enforcement.* The Department of Health (DOH) shall regulate and supervise the telemedicine practice in the Philippines and shall be permitted to create an attached agency intended for this purpose.

Section 7. *Persons allowed to Diagnose through Telemedicine.* Only licensed physicians or those licensed by the Professional Regulatory Board of Medicine are allowed to diagnose and provide physician consultation services through telecommunication systems.

Section 8. *Privacy and Consent of Patients.* The following general conditions shall be observed and complied with by the parties to telemedicine service:

- a. Prior to the rendering of health services through telemedicine, the physician who has the authority over the primary diagnosis shall obtain written informed consent duly signed by the patient. The consent procedure shall ensure that the following information is given and explained to the patient:
 - 1. The individual retains the option to withhold or withdraw consent, at any time, without affecting the right to access to care or treatment which the individual would otherwise be entitled;
 - 2. A clear explanation of the potential risks, consequences, and benefits of telemedicine;

3. All existing laws and stipulations on confidentiality shall apply;
 4. The patient shall have access to all medical information transmitted during a telemedicine consultation, and copies of this information shall be made available to the patient;
 5. Dissemination of any patient's identifiable images or information from the telemedicine consultation to other third parties shall not be made without the consent of the patient; and,
 6. The patient understands the written information provided pursuant to subdivision and that this information has been discussed with the physician, or his or her representative or assignee.
- b. The written consent statement signed by the patient shall become part of the patient's medical record.
 - c. The failure of the physician to comply with this section shall be penalized under this Act.
 - d. Where the patient is a minor or is incapacitated or incompetent, such that he or she is unable to give informed consent, the patient's legal guardian shall sign in behalf of the patient.
 - e. the physician or persons engaged in telemedicine, including hospitals or establishments which offer this service through its licensed physicians, shall have the obligations of a data controller under the Data Privacy Act of 2012.
 - f. The patient shall have all the rights of a data subject under the Data Privacy Act of 2012.
 - g. This section does not apply in an emergency situation in which a patient is unable to give informed consent and the representative of that patient is not available.

Section 9. *Establishment of physician-patient relationship.* Upon compliance to the preceding paragraph, the physician and patient interacting through telecommunication services, for purposes of telemedicine practice,

shall be considered to have established a physician-patient relationship, and all pertinent laws governing and related to the said relationship shall likewise apply.

Section 10. *Compliance required.* Hospitals, establishments, or persons allowed under this Act, to offer the delivery of medical services through telecommunication systems, or otherwise regarded as telemedicine practice, shall meet the following requirements:

- a. All persons and facilities including but not limited to clinics, hospitals, and medical establishments, which will undertake telemedicine practice shall be registered with the DOH as facilities rendering telemedicine;
- b. All personnel employed by, whether regular or contractual, the above-stated facilities, intended to handle all the data and telecommunication systems under this Act shall be licensed or certified by their respective board or agency, where licensure is required by law;
- c. All equipment and telecommunication systems intended to be used in carrying out telemedicine shall be duly declared upon registration with the DOH and the operating personnel for the equipment or system shall be shall be licensed or certified, as required by law;
- d. All telemedicine services shall be available, at reasonable times, to all persons intending to avail such services. To the extent feasible, the facility shall make all services accessible to all.

Section 11. *Implementing Rules and Regulations.* Within ninety (90) days after the approval of this Act, the DOH, in consultation and coordination with appropriate government agencies, representatives from the private sector, and other stakeholders, shall promulgate the necessary implementing rules and regulations for the effective implementation of this Act.

Section 12. *Separability Clause.* In the event that any provision of this Act or the application of such provision to any person or circumstance is declared invalid, the remainder of this Act or the application of said provisions to other persons or circumstances shall not be affected by such declarations.

Section 13. *Repealing Clause.* All acts and regulations not consistent with this Act are hereby amended or repealed.

Section 14. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,