

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

NINETEENTH CONGRESS
Third Regular Session

House Bill No. **11017**



Introduced by Honorable Ma. Alana Samanta Taliño Santos

AN ACT ESTABLISHING A UNIFIED ELECTRONIC MEDICAL RECORDS FOR ALL PATIENTS OF PUBLIC HOSPITALS AND CLINICS, ESTABLISHING FOR THIS PURPOSE THE ELECTRONIC MEDICAL RECORD CENTER UNDER THE DEPARTMENT OF HEALTH AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

The application of Information and Communications Technology (ICT) has revolutionized the healthcare sector in recent years. Teleconsulting, streamlined information sharing, public health dashboard monitors have promoted cost-efficient and patient-centered service for health.

This measure proposes a unified Electronic Medical Records (EMR) database that is accessible to patients in real time as well as interoperable among all government healthcare facilities and government healthcare providers. The creation of this database is aligned with the Republic Act (RA) No. 11223 or the Universal Healthcare Act of 2019, as the law requires integrated health information systems, making access to high-quality health services more equitable.

While EMR is already used in some hospitals, patient data is mostly siloed and limited to these health institutions themselves. In a unified EMR system, every patient's record is connected to a single national database. In allowing patients to access their medical records, it empowers them to make informed decisions about their health at any given time. This is an efficient way of communication between patients and healthcare providers, collaborating on clinical management and patient medical history

The EMR database complements Philippine Health Insurance Corporation's (PhilHealth) National Health Data Repository, the central database system of the country's healthcare, designed as the Single Source of Truth (data is structured so that every data point is stored only once). These can be significant tools for accurate and real time data on healthcare utilization and outcomes, marking a significant step towards achieving true universal healthcare coverage.

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


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3rd District, Cotabato Province

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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 as the "One Electronic Medical Records Act."

SECTION 2. Declaration of Policy. - It is the policy of the State to 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.

Towards this end, the State shall likewise encourage the integration of Information and Communications Technology (ICT) to modernize, improve, and streamline the advancement of the healthcare sector. The development of a robust, accurate, and secure database is hereby considered indispensable in the government's healthcare program.

SECTION 3. Definition of Terms. - For purposes of this Act, the following terms shall mean:

- 1) Electronic Medical Records refer to the digital compilation of a patient's medical profile, background, and history stored on a computer, including but not limited to, diagnoses, medications, treatment plans, immunization dates, laboratory tests or examinations. It shall come in a standard electronic format.
- 2) Medical Service Providers refer to all medical practitioners, hospitals, clinics, centers and other similar institutions that provide medical care service and assistance.
- 3) Department refers to the Department of Health.

4) Records Center refers to the Electronic Medical Records Center created under this Act, which shall be an attached agency under the Department of Health.

5) Secure Socket Layer, also known as SSL, refers to a technology which negotiates and employs the essential functions of mutual authentication, data encryption, and data integrity for secure transactions. The SSL security protocol provides data encryption, server authentication, message integrity, and client authentication for a TCP/IP connection.

6) 128-bit encryption refers to a strong method of encryption generated by every encrypted transaction. The process of encryption hides data or the contents of a message in such a way that the original information can be recovered through a corresponding decryption process. Encryption and decryption are common techniques in securing electronic data communications.

SECTION 4. *Establishment, Maintenance, and Uploading of Electronic Medical Records.* - The Department of Health (DOH), with the Department of Information and Communications Technology (DICT) and the Philippine Health Insurance Corporation (PhilHealth) shall establish a unified electronic medical records database that shall be accessible to all government-run hospitals and medical service providers, PhilHealth and other public healthcare financing institutions, and patients.

Notwithstanding all provisions of existing laws to the contrary, medical service providers shall establish and maintain electronic medical records, which shall be electronically uploaded on a regular basis. The medical service providers shall likewise maintain hard copies of the electronic records to be printed and stored as back-up records.

SECTION 5. *Electronic Medical Records Center.* - There shall be created an Electronic Medical Record Center to be placed under the Office of the Secretary of the Department of Health. The center shall serve as a hub of all databases of medical records and other pertinent information significant to the patient's medical history.

The Records Center shall generate specialized software to be distributed and used as the standard platform for the maintenance, updating, uploading, and making available electronic Medical Records. The Records Center shall endeavor to create an emergency contact center to assure the availability of records and assistance to patients accessing medical records at any time of the day.

SECTION 6. *Security Features of Electronic Records.* - In order to ensure the security and privacy of all medical records, electronic communications and transactions, electronic medical records systems shall use 128-bit encryption or higher form of Secure Socket Layer (SSL) technology which may be devised in the future.

The electronic medical records shall be kept secure and free from interference and unauthorized access and for this purpose, it shall be equipped with security measures to protect the integrity and confidentiality of these records. Provided, further, that the security features of electronic medical records shall comply with the security provisions as provided for in Republic Act No. 8792, otherwise known as the Electronic Commerce Law of 2000.

SECTION 7. *Data Privacy and Protection.* – The right to privacy of health information and medical records shall be protected at all times. The information in the electronic database shall be protected and covered under the Data Privacy Act of 2012 and other pertinent laws on private data.

The DOH shall implement a privacy management program, which provides for security measures for data protection and procedures for the review of operations and security risks to ensure confidentiality and integrity of medical records and computer systems and prevent unlawful or fraudulent processing, use, alteration, or disclosure of medical information.

For this purpose, the National Privacy Commission shall recommend data privacy policies and standards that will be observed by the Department in the implementation of this Act.

The employees of the Department, hospitals, health care providers, and clinics handling personal and sensitive information shall conduct regular training programs to equip the same with the skills and knowledge on all relevant laws concerning data privacy and protection.

SECTION 8. *Appropriations.* - There is hereby authorized to be appropriated for the implementation of this Act the amount of One Hundred Million Pesos (P100,000,000.00) for the initial operations of the Electronic Medical Center as an attached agency of the Department. Thereafter, such amount needed to implement this Act shall be included in the Annual Appropriations Act of the Department.

SECTION 9. *Implementing Rules and Regulations.* - The Department shall create a special committee to draft the Implementing Rules and Regulations (IRR) governing this Act. Within three (3) months from the effectivity of this Act, the said special committee shall submit the IRR to the Secretary of the Department who shall approve the same within thirty (30) days.

SECTION 10. *Separability Clause.* - If for any reason, any provision of this Act is declared unconstitutional or invalid, parts of provisions of this Act that are not affected shall continue to be in full force and effect.

SECTION 11. *Repealing Clause.* - All laws, decrees, executive orders, issuances, rules and regulations, or parts thereof not consistent with the provisions of this Act are hereby repealed or modified and/or superseded as case may be by this Act accordingly.

SECTION 12. *Effectivity.* - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,