

NINETEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. **11455**

EXPLANATORY NOTE

Republic Act 7875, as amended, created the National Health Insurance Program (NHIP) and established the Philippine Health Insurance Corporation (PhilHealth) to administer the said Program and manage the National Health Insurance Fund (NHIF). One of its guiding principles include "x x x *The Program shall provide all citizens with the mechanism to gain financial access to health services, in combination with other government health programs. The National Health Insurance Program shall give the highest priority to achieving coverage of the entire population with at least a basic minimum package of health insurance benefits* x x x".

Related to this, Republic Act 11223 or the Universal Health Care (UHC) Act states that "x x x *Every Filipino shall be granted immediate eligibility and access to preventive, promotive, curative, rehabilitative, and palliative care for medical, dental, mental and emergency health services, delivered either as population-based or individual-based health services* x x x".

To assist the state in pursuing the aforementioned policies, health institutions were granted the privilege of applying for accreditation as health facilities (HFs). Under the rules as promulgated is consonance with RA 7875, Accredited HFs shall extend PhilHealth benefits to PhilHealth members in the availment of health services and shall reimburse the same with PhilHealth.

However, in the course of their operations, accredited HFs incur violations of the laws, rules, and regulations in relation to the NHIP, most of which are venial in nature and do not merit the suspension or revocation of accreditation as the current laws, rules, and regulations dictate. In fact, there are over One Thousand Five Hundred (1,500) HFs with ongoing administrative cases in PhilHealth, the implications of which threaten public interest if each of these HFs will be imposed with suspension or revocation of accreditation.

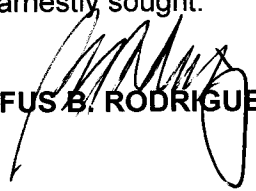
It should be clearly noted that PhilHealth only manages the NHIF and does not have the capacity nor the mandate to provide healthcare services. They need the HFs to fulfill their mission, as much as the country does to ensure the well-being of the citizenry. But they are constrained by laws, rules, and laws which instructs them to impose suspension or revocation of accreditation.

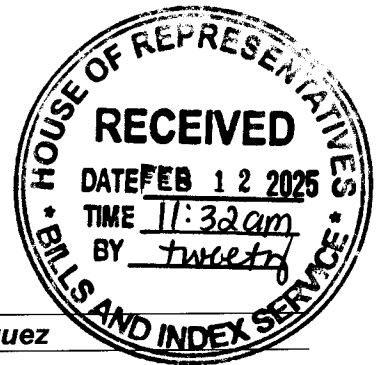
It is therefore proposed that PhilHealth be mandated by law to adopt an Amnesty Program which shall absolve all HFs of ongoing cases involving light offenses which does not compromise the principles and fundamentals of the NHIP or UHC. Aligned with the program of the President of the Republic, this program may be dubbed as "*Bagong Simula para sa Bagong Pilipinas: Amnestiya para sa mga Pasilidad Pangkalusugan*".

It is also proposed that laws, rules, and regulations related to the imposition of suspension or revocation of accreditation of HFs be reviewed and amended which will enable PhilHealth to convert these harsh punishments into monetary value which will be borne by HFs as penalties for violations incurred.

This bill seeks to support of the progressive realization of universal health care in the country and ensure the unhampered delivery of healthcare services in the country.

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


RUFUS B. RODRIGUEZ



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 11455

AN ACT

AUTHORIZING THE PHILIPPINE HEALTH INSURANCE CORPORATION (PHILHEALTH) TO ADOPT AN AMNESTY PROGRAM FOR HEALTH FACILITIES AND SHIFT TO THE IMPOSITION OF PENALTIES INSTEAD OF ACCREDITATION SUSPENSION OR REVOCATION

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 “PhilHealth Amnesty for Health Facilities Act” with the tagline “*Bagong Simula para sa Bagong Pilipinas: Amnestiya para sa mga Pasilidad Pangkalusugan*”.

SECTION 2. *Declaration of Principle* – 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 people at affordable cost. There shall be priority for the needs of the under-privileged, sick, elderly, disabled, women, and children. The State shall endeavor to provide free medical care to paupers.

SECTION 3. *Coverage*. – This Act shall cover PhilHealth accredited health facilities, whether private or government-owned.

SECTION 4. *Definition of Terms*. – The following terms, as used in this Act, shall mean:

Amnesty – Refers to the absolution of administrative cases involving health facilities that are filed with PhilHealth.

Cases – Administrative cases involving health facilities that are filed with PhilHealth.

Civil Cases – Cases filed with the civil courts involving violations the Civil Code of the Philippines and other related special laws.

Criminal Cases – Cases filed with the regular courts involving violations of the CriminalCode of the Philippines and other related special laws.

Health Facilities - Refers to hospitals, clinics, and other healthcare institutions accredited by PhilHealth to provide healthcare services to PhilHealth members. These facilities are responsible for the submission of claims for reimbursement of services rendered to PhilHealth members

PhilHealth Benefits - Refers to the wide-range of benefits provided by PhilHealth to its members which may be availed at accredited health facilities.

SECTION 5. *Amnesty Program for Health Facilities* – PhilHealth shall absolve health facilities of the penalty of suspension or revocation of accreditation for all ongoing cases filed

with its Arbitration/Adjudication Office. Provided, that the health facilities return to PhilHealth all moneys unduly obtained in the course of the commission of the violation/s, if any. This Amnesty shall not involve any ongoing or future criminal cases or civil cases that are or may be filed by PhilHealth against erring Health Facilities for gross violations of the law.

SECTION 6. *Conversion of the Suspension/ Revocation of Accreditation with Monetary Value as Penalty* – PhilHealth shall convert the penalty of suspension or revocation of accreditation with monetary value equitably determined to suit the gravity of violations incurred by health facilities, and payable in terms as may be determined by PhilHealth, which shall again be equitably determined. The money value penalties shall not be oppressive but must serve as a deterrent in order for health facilities to avoid incurring future violations. Provided, that the health facilities return to PhilHealth all moneys unduly obtained in the course of the commission of the violation/s, if any.

SECTION 7. *Exclusion* – Sections 5 and 6 of this Act shall exclude all gross violations of the Republic Act 7875, as amended, and Republic Act 11223, and violations of other laws that prejudice public interest and public funds.

SECTION 8. *Implementing Rules and Regulations* – PhilHealth shall promulgate the necessary rules and regulations for the proper implementation of this Act not later than ninety (90) days from its effectivity.

SECTION 9. *Separability Clause* – If any provision or part of this Act is declared unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SECTION 10. *Repealing Clause*. – All laws, executive orders, rules and regulations, and issuances or parts thereof which are inconsistent to and contrary with the provisions of this Act are hereby repealed and amended accordingly.

SECTION 11. *Effectivity*. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,