

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS

First Regular Session

HOUSE BILL NO. **1440**



Introduced by the **Honorable ANIELA BIANCA D. TOLENTINO**

EXPLANATORY NOTE

A Department of Health report stated that the Philippines has a huge human reservoir of health personnel. However, these health personnel are unevenly distributed in the country. Most of the trained Filipino health workers are concentrated in urban areas such as in Metro Manila and other cities. As such, there is a need to capacitate our health professionals to reach Filipinos in rural and far-flung areas. This aim to provide our people with access to health services is a constitutional mandate.

With the advancement of technology, telemedicine came into being and such innovation is seen as part of the solution in the delivery of health care services to far-flung areas. Telemedicine, also referred to as telehealth or electronic healthcare, is a system of delivering healthcare services through the use of information and communications technology as a complement to traditional healthcare systems. It includes the total management of a patient's health care from consultation, diagnosis, and treatment, to prescription of medicine and record-keeping. It likewise includes the education and training of health personnel to capacitate them to use telemedicine systems as well as the development of applications and programs for the furtherance of health.

This representation is filing the proposed bill herein to institutionalize a national telemedicine system in the Philippines, through the use of information and communications technologies. This proposed legislation likewise seeks to ensure that those who will avail of telemedicine services will be aptly protected.

For the Filipino people, the approval of the foregoing bill is earnestly being sought.

A handwritten signature in black ink, appearing to be "Ante", located at the bottom right of the page.

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HOUSE BILL NO. 1440

Introduced by the **Honorable ANIELA BIANCA D. TOLENTINO**

**AN ACT INSTITUTIONALIZING A NATIONAL TELEMEDICINE
SYSTEM IN THE PHILIPPINES**

Be it enacted by the Senate and the 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 shall protect and promote the right to health of the people and instill health consciousness among them. Hence, it is the policy of the state to continuously search for, develop, and utilize innovative ways and systems to fully protect the health of all Filipinos, from the dense populations of urban centers to the far-flung and unreachable rural and remote areas.

SECTION. 3. *Objectives*- The objectives of this Act are:

- (a) To create an innovative, unified, and comprehensive policy framework for the practice and development of telemedicine in the country;
- (b) To provide healthcare services, including consultation, diagnosis, treatment, and prescription of medicines especially in areas that have Inadequate or are far from traditional healthcare institutions and professionals;
- (c) To allow the use of information and communication technology in the delivery of healthcare services especially in times of emergencies and disasters; and
- (d) To strengthen the health system and infrastructure of the country that will enable it to serve all Filipinos and withstand any unforeseen events.

SECTION 4. *Definition of Terms.* - For the purposes of this Act, the following definitions shall apply:

- (a) Telemedicine - also referred to as telehealth or electronic healthcare, is a system of delivering healthcare services through the use of information and communications technology as a complement to traditional healthcare systems. It includes the total management of a patient's health care from consultation, diagnosis, and treatment to prescription of medicine and record-keeping. It likewise includes the education and training of health personnel to capacitate them to use telemedicine systems as well as the development of applications and programs for the furtherance of health.
- (b) Information and Communications Technology - Includes but is not limited to:
 - (i) Digital interactive video, audio, and/or data transmission;
 - (ii) Video or web-conferencing technology;
 - (iii) Still image capture or asynchronous store and forward;
 - (iv) Modern medical devices for patient care and diagnosis.

SECTION 5. *National Telemedicine Council.* - A National Telemedicine Council, hereinafter referred to as "Council," is hereby established and composed of the following:

- (a) Secretary of Health, who shall serve as Chairperson;
- (b) Secretary of Information and Communication Technology;
- (c) Secretary of Science and Technology;
- (d) Secretary of the Interior and Local Government;
- (e) President of the Philippine Health Insurance Corporation;
- (f) Director-General of the Food and Drug Administration;
- (g) Presidents of healthcare professional associations such as the Philippine Medical Association, Philippine Nurses Association, and the Philippine Pharmacists Association; and
- (h) Director of the Office for Telemedicine

SECTION 6. *Functions of the Council.* - The Council, with regard to telemedicine in the Philippines, shall:

- (a) Establish guidelines and regulations on the practice and provision of services;
- (b) Create a national roadmap for the achievement and furtherance of the objectives of this act;

- (c) Establish and provide for a mechanism of accreditation for electronic healthcare providers;
- (d) Establish a national integrated database system for medical information;
- (e) Establish a system for electronic prescription of medicine;
- (f) Spearhead and promote research and development activities;
- (g) Capacitate and train existing and new healthcare professionals on the 24 provision of health services; and
- (h) Set quality standards for systems, professionals and services.

The Council shall convene as frequently as necessary to perform its mandated functions.

SECTION 7. *Implementing Agency and Secretariat.* - The Department of Health shall be the lead agency in implementing this Act. For this purpose, an Office for Telemedicine shall be created under the Department which shall serve as the Secretariat for the Council. The Office for Telemedicine shall be headed by a Director.

SECTION 8. *Practice of Medicine.* - The provision of Telemedicine services shall be limited only to registered physicians. Telemedicine services shall be deemed as acts constituting practice of medicine, and shall result in the establishment of a doctor-patient relationship.

SECTION 9. *Emergency.* - The Council shall establish special rules and systems for the enhanced utilization of Telemedicine in times of emergencies and calamities.

SECTION 10. *Privacy.* - All medical records generated, including, records maintained via video, audio, electronic, or other means acquired through Telemedicine must conform to the laws regarding the confidentiality of healthcare information of the patient, rights to medical information, and recordkeeping requirements. Any violation of this provision shall be penalized to the maximum extent under the law.

SECTION 11. *Standard of Care.* - The standard of care shall be the same as the standard of care required in traditional or non-Telemedicine healthcare services.

SECTION 12. *Implementing Rules and Regulations.* - The Council shall promulgate the necessary rules and regulations for the effective implementation of this Act within ninety (90) days from its effectivity.

SECTION 13. *Appropriations.* - The amount necessary for the initial implementation of this Act shall be taken from the current appropriations of the DOH.

Thereafter, the amount needed for the continued implementation of this Act shall be included in the annual appropriations of the DOH as a distinct and separate item.

SECTION 14. *Separability Clause.* - If any provision of this Act is declared Invalid or unconstitutional, the remaining provisions shall continue to be in full force and effect.

SECTION 15. *Repealing Clause.* - All laws, decrees, executive orders, proclamations, rules and regulations, and issuances, or parts thereof which are Inconsistent with the provisions of this Act, are hereby repealed, amended, or modified accordingly.

SECTION 16. *Effectivity* - This Act shall take effect fifteen (45) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,