

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. **2881**



INTRODUCED BY REPRESENTATIVE PM VARGAS

AN ACT
INSTITUTIONALIZING A NATIONAL TELEMEDICINE SYSTEM IN
THE PHILIPPINES

EXPLANATORY NOTE

The State provides that it shall protect and promote the right to health of the people and instill health consciousness among them and as such it enacted legislations such as the National Health Insurance Act of 1995 as well as the Philippine Universal Health Care Act.

The COVID-19 pandemic however immensely challenged the healthcare system with the barriers imposed by the lockdowns and curfews, the resource-limited facilities, and the overall capability of the health system.

Less urgent services were either cancelled or postponed and cases that needed immediate healthcare were accommodated in facilities albeit with an added risk of being exposed to indirect morbidity or mortality.

The proposed measure of *Institutionalizing a Telemedicine System* in the country aims to address the existing gaps in the healthcare system that the pandemic revealed. The bill seeks to create an innovative, unified, and comprehensive policy framework for the practice and development of telemedicine in the country.

It seeks further to ensure access to healthcare services such as consultation, diagnosis, treatment, and prescription of medicines, especially in areas that have inadequate or are far from traditional healthcare institutions and services.

By institutionalizing and allowing information and communication technology in the process of healthcare services

delivery, especially in times of emergencies and disasters, the State strengthens the health system and infrastructure in the country, enabling Filipinos to better withstand unforeseen events, and making the country closer to achieving universal health care for all.

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

A handwritten signature in blue ink, appearing to be 'PM Vargas', is positioned above the printed name.

REP. PM VARGAS

Fifth District of Quezon City

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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 “National 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.

It shall likewise be the policy of the State to encourage and strengthen initiatives for promoting health in times of emergencies and calamities using information and communication technology.

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 using information and communication 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 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 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 of the constitutional 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 to effectively implement 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 (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,