

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 3032



Introduced by Representative Paolo Henry M. Marcoleta

EXPLANATORY NOTE

The practice of medicine in the Philippines has long been anchored in Republic Act No. 2382 or the Medical Act of 1959 which was clearly called for being outdated and in need of immediate reforms to meet with the changing times. Under the old law, the practice of medicine is considered under the following acts:

“SEC. 10. *Acts constituting practice of medicine.* – A person shall be considered as engaged in the practice of medicine (a) who shall, for compensation, fee, salary or reward in any form, paid to him directly or through another, or even without the same, physically examine any person, and diagnose, treat, operate or prescribe any remedy for any human disease, injury, deformity, physical, mental or physical 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, television or any other means of communication, either offer or undertake by any means or method to, diagnose, treat, operate or prescribe any remedy for any human disease, injury, deformity, physical, mental or psychical condition; or (c) who shall use the title M.D. after his name.”

With the advent of recent advancements in technology and medical science, it is only right to expand the current definition of the practice of medicine to include innovative measures that will promote readily available medical access for our people. In fact, under the 1987 Constitution, Article XIII, Section 11 states that: “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”. It

is through this mandate that this proposed bill seeks to expand the scope of medical practice by including telemedicine, and further institutionalize its access in coordination with various stakeholders in order to address the existing gaps in our healthcare system.

During the COVID 19 pandemic, the importance of telemedicine has been greatly highlighted. In 2021, Joint Administrative Order No. 2021-0001, or the Guidelines on the Implementation of Telemedicine in the Delivery of Individual-Based Health Services, was issued by the Department of Health (DOH) together with the Department of Interior and Local Government, and the Philippine Health Insurance Corporation (PhilHealth). This order was issued in accordance with the rules set forth under Republic Act No. 11223 or the Universal Health Care Act.¹

This bill aims to create a comprehensive framework for the practice of telemedicine in the country making healthcare accessible to everyone at all times, through the creation of the Office for Telemedicine under the DOH as well as encouraging the local government units to establish telemedicine centers in their respective areas. This measure also serves to strengthen the implementation of the current Philhealth Konsulta Benefit Package through its eKonsulta program. In addition, this bill shall also incentivize physicians who would render free telemedicine services by converting hours rendered into continuing professional development units, in order to cater more patients especially in medically deprived areas in the country.

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

A handwritten signature in black ink, appearing to read 'P. Marcoleta', with a large, loopy initial 'P'.

PAOLO HENRY M. MARCOLETA
Representative, SAGIP Party-List

¹ DOH-DILG-PHIC Joint Administrative Order No. 2021-0001 (2021).

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AN ACT
EXPANDING THE SCOPE OF MEDICAL PRACTICE, AMENDING
FOR THE PURPOSE REPUBLIC ACT NO. 2382 OR THE MEDICAL
ACT OF 1959, AS AMENDED, AND INSTITUTIONALIZING A
NATIONAL TELEMEDICINE SYSTEM IN THE PHILIPPINES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **Section 1. Short Title.** – This Act shall be known and referred to as the
2 *“Telemedicine Act”*.

3
4 **Sec. 2. Declaration of Policy.** – The State recognizes the right of the
5 Filipino to health, including the adoption of an integrated and comprehensive
6 approach towards health development that will ensure readily available access to
7 health care services that are convenient to all.

8
9 **Sec. 3. Objectives.** – This Act shall provide and govern the following:
10

- 11 a. Provision of access to telemedicine health services throughout the
12 country, especially in medically underserved rural and urban areas;
- 13 b. Standardization, upgrading, safeguarding, and maintenance of the
14 telemedicine systems in the country;
- 15 c. Supervision and regulation of the practice and operations of
16 telemedicine;

1 d. Coordinate and integrate with the Konsulta benefit package of the
2 Philippine Health Insurance Corporation (Philhealth); and

3 e. Upholding of competence, values, and professional ethics of physicians
4 and personnel engaged in the practice of telemedicine.
5

6 **Sec. 4. Definition of Terms.** – For the purposes of this Act, the following
7 definitions shall apply:
8

9 a. *Electronic Konsulta (eKonsulta)* - refers to Philhealth developed stand-
10 alone application which may be used by a Konsulta facility as an
11 interim electronic reporting system, that can be used for encoding the
12 patient's data/ consultation records to include diagnosis, diagnostic
13 tests done with corresponding results and prescribed/dispensed
14 medicines;

15 b. *Information and Communications Technology (ICT)* - includes but is
16 not limited to:

17 i. Digital interactive video, audio, and/or data transmission;

18 ii. Video or web-conferencing technology;

19 iii. Still image capture or asynchronous store and forward;

20 iv. Modern medical devices for patient care and diagnosis.

21 c. *Physician* - refers to a professional duly- licensed to practice medicine
22 under RA 2382 or the Medical Act of 1959;

23 d. *Telemedicine* - also referred to as telehealth or electronic healthcare, as
24 defined by the World Medical Association to be the practice of
25 medicine over a distance, in which delivery of healthcare services
26 through the use of ICT and telecommunications systems, as
27 complement to traditional healthcare systems. It shall include the total
28 management of a patient's health care from consultation, diagnosis,
29 treatment, prescription of medicine, and record keeping. It shall
30 likewise include the education and training of health personnel to
31 capacitate them in using the Telemedicine system as well as the
32 development of applications and programs in furtherance of health;

33 e. *Telecommunications Systems* - refer to a collective nodes and links that

1 include devices and technology that enable telecommunication.

2
3 **Sec. 5. Practice of Medicine.** – Section 10 of Republic Act No. 2382 is
4 hereby amended to read as follows:

5
6 “SEC. 10. *Acts constituting practice of medicine.* – A person shall be
7 considered as engaged in the practice of medicine ~~[(a) who shall, for~~
8 ~~compensation, fee, salary or reward in any form, paid to him~~
9 ~~directly or through another, or even without the same, physically~~
10 ~~examine any person, and diagnose, treat, operate or prescribe any~~
11 ~~remedy for any human disease, injury, deformity, physical, mental~~
12 ~~or physical condition or any ailment, real or imaginary, regardless~~
13 ~~of the nature of the remedy or treatment administered, prescribed~~
14 ~~or recommended; or (b) shall, by means of signs, cards,~~
15 ~~advertisements, written or printed matter, or through the radio,~~
16 ~~television or any other means of communication, either offer or~~
17 ~~undertake by any means or method to, diagnose, treat, operate or~~
18 ~~prescribe any remedy for any human disease, injury, deformity,~~
19 ~~physical, mental or physical condition; or (c) who shall use the title~~
20 ~~M.D. after his name.]~~ through the following acts:

21
22 **A. HISTORY TAKING AND PHYSICAL EXAMINATION OF**
23 **ANY PERSON FOR DISEASE, INJURY, AND**
24 **DEFORMITY, FOR THE PURPOSE OF DIAGNOSING,**
25 **TREATING, OPERATING, PRESCRIBING, OR**
26 **DISPENSING ANY REMEDY THEREOF;**

27 **B. HISTORY TAKING AND PHYSICAL EXAMINATION**
28 **THROUGH SUBMISSION OF PHOTOGRAPHS AND**
29 **VIDEOS OR ANY COMMUNICATION THROUGH**
30 **TELECOMMUNICATION OR ELECTRONIC MEANS**
31 **FOR ANY DISEASE, INJURY AND DEFORMITY;**
32 **DIAGNOSING AND PRESCRIBING OR DISPENSING ANY**
33 **REMEDY THEREOF THROUGH ELECTRONIC MEANS**
34 **OR TELEMEDICINE;**

35 **C. HISTORY TAKING AND PHYSICAL EXAMINATION OF**
36 **ANY PERSON’S MENTAL CONDITION FOR ANY**

1 AILMENT, REAL OR IMAGINARY, REGARDLESS OF
2 THE NATURE OF THE REMEDY OR TREATMENT
3 ADMINISTERED, PRESCRIBED, OR RECOMMENDED;

4 **D. OFFERING OR UNDERTAKING TO DIAGNOSE, TREAT,**
5 **OPERATE OR PRESCRIBE, AND ADMINISTER ANY**
6 **REMEDY FOR ANY HUMAN DISEASE, INJURY,**
7 **DEFORMITY, PHYSICAL OR MENTAL CONDITION,**
8 **EITHER PERSONALLY OR BY MEANS OF SIGNS,**
9 **CARDS, OR ADVERTISEMENTS BY WAY OF MASS**
10 **MEDIA OR ANY OTHER MEANS OF COMMUNICATION;**

11 **E. USING OR AFFIXING THE SUFFIX “M.D.” TO THE**
12 **PHYSICIAN’S NAME IN WRITTEN OR ORAL**
13 **COMMUNICATIONS. UNLESS SPECIFIED, THE**
14 **LETTERS “M.D.” SHALL MEAN DOCTOR OF**
15 **MEDICINE, PROVIDED THAT ONLY THOSE WHO HAVE**
16 **PASSED THE PHYSICIAN’S LICENSURE EXAMINATION**
17 **AND DULY LICENSED TO PRACTICE THE MEDICAL**
18 **PROFESSION ARE ALLOWED TO USE THE TITLE**
19 **“M.D.”; AND**

20 **F. CONDUCTING FORMAL MEDICAL CLASSES IN**
21 **MEDICAL SCHOOLS, SEMINARS, LECTURES,**
22 **SYMPOSIA, AND THE LIKE UNLESS THE SUBJECT**
23 **MATTER BEING TAKEN UP INVOLVES BASIC SCIENCE**
24 **FUNDAMENTALS IN THE FURTHERANCE OF ITS**
25 **APPLICATIONS IN CLINICAL MEDICINE.”**
26

27 **Sec. 6. *National Telemedicine Council.*** – A National Telemedicine
28 Council, herein referred to as “Council”, is hereby established and composed of
29 the following:
30

- 31 a. Secretary of Health, who shall serve as the Chairperson;
32 b. Secretary of Information and Communication Technology;
33 c. Secretary of the Interior and Local Government;
34 d. President of the Philippine Health Insurance Corporation;

- e. Chairperson of the National Privacy Commission;
- f. Director General of the Food and Drug Administration;
- g. Presidents of healthcare professional associations; and
- h. Director of the Office for Telemedicine.

Sec. 7. *Functions of the Council.* – The Council, with regard to the 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 equipped with safeguards for safety and against fraud;
- f. Coordinate with the Philhealth in order to strengthen the implementation of its Konsulta benefit package;
- g. Spearhead and promote research and development activities;
- h. Capacitate and train existing and new healthcare professional on the provision of telehealth services;
- i. Set quality standards for the system, professionals, and services in compliance with the globally recognized standard of care.

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

Sec. 8. *Office of Telemedicine.* – The Department of Health (DOH) shall be the lead agency in implementing this Act. For this purpose, an Office for Telemedicine shall be created under the DOH, which shall serve as the Secretariat

1 for the Council, to be headed by a Director.

2
3 There shall be a national hotline and online portal to be created that is
4 readily available to facilitate Telemedicine consults, scheduling, or referrals.

5
6 **Sec. 9. *Applicability.*** – Only the duly-licensed Physicians with updated
7 Professional Regulation Commission registration are allowed to practice
8 Telemedicine. Only out-patient cases or non-emergency cases shall be catered in
9 Telemedicine consults, to include but not limited to re-issuance of outdated
10 medical prescriptions, issuance of medical certificates and fit to work clearances,
11 requests for laboratory and diagnostic procedures, among others.

12
13 The Council shall establish special rules and systems for the enhanced
14 utilization of Telemedicine during times of emergencies and calamities.

15
16 **Sec. 10. *Enforcement.*** – The DOH shall regulate and supervise the
17 Telemedicine practice in the country, including the fees imposed, if any, or via
18 the PhilHealth's eKonsulta program.

19
20 **Sec. 11. *Privacy and Consent of Patients.*** – All medical records generated,
21 including records maintained via video, audio, electronic, or other means
22 acquired through Telemedicine, must conform to all laws regarding
23 confidentiality of healthcare information of the patient, basic rights of the patient,
24 and record keeping requirements in compliance with the Republic Act No. 10173
25 or the Data Privacy Act of 2012. Any violation shall be penalized in accordance
26 with existing laws.

27
28 **Sec. 12. *Standard of Care.*** – The standard of care given in Telemedicine
29 must be the same as that required in traditional or non- Telemedicine healthcare
30 services.

31
32 There shall be an official identifiable code in every Telemedicine
33 transaction, especially, in prescriptions and medical certificates issued through
34 Telemedicine consults, in order to safeguard false or fraudulent prescriptions and
35 medical certificates.

36
37 **Sec. 13. *Establishment of Telemedicine Centers in Local Government Units***

1 (*LGUs*). – All LGUs, especially in rural areas, are encouraged to establish a
2 Telemedicine center in every barangay, to provide access to their constituents
3 especially those lacking capacities to use such platforms; and to render assistance
4 in facilitating the Telemedicine consult.

5
6 The local Telemedicine centers shall coordinate with the Office of
7 Telemedicine under the DOH, in order to facilitate an effective system of
8 teleconsultation, and sourcing medicines for prescribed medications from
9 barangay health centers or DOH accredited pharmacies.

10
11 **Sec. 14. *Continuing Professional Development (CPD) Units.*** – In order to
12 encourage Physicians to render Telemedicine services in rural and medically
13 underserved areas of the country, the Council shall formulate the corresponding
14 point system for every hour of free Telemedicine service rendered, that can be
15 converted into CPD units, in coordination with the Medical CPD Council.

16
17 **Sec. 15. *Implementing Rules and Regulation.*** – Within ninety (90) days
18 from the effectivity of this Act, the DOH, in consultation with the Council and
19 other stakeholders, shall promulgate the rules and regulations to effectively
20 implement the provisions of this Act.

21
22 **Sec. 16. *Appropriations.*** – The amount necessary for the initial
23 implementation of this Act shall be taken from the current appropriations of the
24 DOH and PhilHealth. Thereafter, the amount needed for the continued
25 implementation of this Act shall be included in the annual appropriations of the
26 DOH, as a distinct and separate item, and part of PhilHealth's allocation of funds.

27
28 **Sec. 17. *Separability Clause.*** – If any provision or part of this Act is
29 declared invalid or unconstitutional, the remainder thereof not otherwise affected
30 shall remain in full force and effect.

31
32 **Sec. 18. *Repealing Clause.*** – All laws, presidential decrees, executive
33 orders, letters of instructions, proclamations or administrative regulations that are
34 inconsistent with the provisions of this Act are hereby repealed, amended, or
35 modified accordingly.

36
37 **Sec. 19. *Effectivity.*** – This Act shall take effect fifteen (15) days following

1 its publication in the Official Gazette or in a newspaper of general circulation.

2

3 *Approved,*