

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Twentieth Congress
First Regular Session

HOUSE BILL NO. 7439



Introduced by **Representative RAYMOND ADRIAN SALCEDA**

AN ACT

ESTABLISHING THE RIGHTS OF DESIGNATED PRIMARY CAREGIVERS IN HEALTHCARE SETTINGS, PROVIDING FOR HOSPITAL VISITATION, MEDICAL DECISION-MAKING, INSURANCE, AND OTHER RIGHTS, PROHIBITING DISCRIMINATION ON THE BASIS OF SEX, GENDER, OR RELATIONSHIP STATUS, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Under current Philippine law, when a patient is incapacitated or unable to make medical decisions, the authority to make such decisions typically falls to the legal spouse or next of kin as defined by the Family Code. This creates significant hardship for individuals who are unmarried, are in non-traditional relationships, are estranged from their legal families, or simply wish to designate a trusted person other than a blood relative to make critical healthcare decisions on their behalf.

Solo parents, elderly individuals cared for by non-relatives, persons in long-term domestic partnerships, and many others find themselves without legal recognition when it comes to hospital visitation, access to medical information, and healthcare decision-making. In emergencies, this gap in the law causes unnecessary suffering when the person who knows the patient best and cares for them most is denied the ability to be present or to participate in life-and-death decisions.

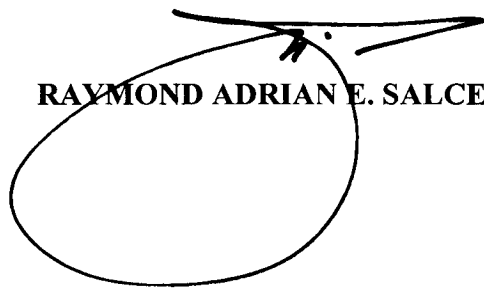
Several local government units, including Quezon City and San Juan City, have begun issuing "Right to Care" cards that allow individuals to designate a healthcare proxy. However, these local measures have limited geographic scope and lack the force of national law. Healthcare facilities outside these jurisdictions are not bound to honor such designations.

This bill establishes a comprehensive framework for the designation of primary caregivers, granting them legally enforceable rights in healthcare settings. It allows any adult of sound mind to designate any other adult as their primary caregiver, who shall have the right to hospital

visitation, access to medical information, participation in healthcare decisions, and recognition as a beneficiary in health and life insurance policies.

Critically, this bill prohibits discrimination on the basis of sex, gender, sexual orientation, gender identity or expression, or the nature of the relationship between the patient and the designated caregiver. The right to designate a primary caregiver is a fundamental aspect of personal autonomy and should not be contingent on marital status or the composition of one's family.

The approval of this bill is earnestly sought.



RAYMOND ADRIAN E. SALCEDA

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STATUS, AND FOR OTHER PURPOSES**

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

CHAPTER I

GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the "Primary Caregivers Act."

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to:

- (a) Recognize and protect the fundamental right of every person to designate a trusted individual to serve as their primary caregiver in healthcare settings;
- (b) Ensure that designated primary caregivers are accorded full rights in hospital visitation, access to medical information, and participation in healthcare decision-making;
- (c) Promote equality and non-discrimination in the exercise of the right to designate a primary caregiver, regardless of sex, gender, sexual orientation, gender identity or expression, or the nature of the relationship between the patient and the caregiver;
- (d) Protect patient autonomy and the right to determine who shall participate in one's healthcare; and
- (e) Support the well-being of caregivers who provide essential care to patients.

SEC. 3. *Definition of Terms.* – For purposes of this Act:

- (a) "Patient" refers to any person receiving or seeking healthcare services;
- (b) "Designated Primary Caregiver" refers to any adult designated by a patient, through a healthcare proxy, to exercise the rights and responsibilities provided under this Act;
- (c) "Healthcare Proxy" refers to a written document executed by a patient designating one or more persons as the patient's primary caregiver and healthcare agent;
- (d) "Healthcare Agent" refers to the designated primary caregiver authorized to make healthcare decisions on behalf of the patient when the patient is unable to do so;
- (e) "Healthcare Facility" refers to any hospital, clinic, infirmary, birthing home, nursing home, hospice, or other facility, whether public or private, that provides healthcare services;
- (f) "Healthcare Provider" refers to any physician, nurse, or other person licensed to provide healthcare services;
- (g) "Domestic Partner" refers to a person who shares a committed, intimate relationship with another person, regardless of sex or gender, characterized by mutual caring, shared residence, and financial interdependence;
- (h) "Primary Caregiver Card" refers to an identification card issued under this Act that certifies the holder as a designated primary caregiver;
- (i) "Incapacitated" refers to a state in which the patient is unable to understand and appreciate the nature and consequences of healthcare decisions or to communicate such decisions, whether due to unconsciousness, mental illness, developmental disability, or other cause.

CHAPTER II

DESIGNATION OF PRIMARY CAREGIVER

SEC. 4. *Right to Designate a Primary Caregiver.* – Any adult of sound mind may designate one or more adults as their primary caregiver through a healthcare proxy. The designation shall be valid regardless of:

- (a) The sex, gender, sexual orientation, or gender identity or expression of the patient or the designated caregiver;
- (b) The marital status of the patient or the designated caregiver;
- (c) The existence or nature of any familial, romantic, or other relationship between the patient and the designated caregiver; or

(d) The religion, ethnicity, national origin, or any other characteristic of the patient or the designated caregiver.

SEC. 5. *Healthcare Proxy.* – A healthcare proxy shall be in writing and shall contain:

- (a) The full name, date of birth, and contact information of the patient;
- (b) The full name, date of birth, and contact information of the designated primary caregiver;
- (c) A statement that the patient designates the named person as their primary caregiver and healthcare agent;
- (d) The scope of authority granted to the designated caregiver, which may include all or any of the rights enumerated in this Act;
- (e) The signature of the patient and the date of execution; and
- (f) The signature of two (2) witnesses who are not the designated caregiver.

Notarization of the healthcare proxy shall not be required for its validity, but a notarized healthcare proxy shall be presumed valid and authentic.

SEC. 6. *Primary Caregiver Card.* – Upon submission of a valid healthcare proxy to the Department of Health (DOH), the designated primary caregiver shall be entitled to a Primary Caregiver Card. The card shall contain:

- (a) The name and photograph of the designated caregiver;
- (b) The name of the patient;
- (c) A unique identification number;
- (d) The date of issuance and expiration; and
- (e) A summary of the rights of the designated caregiver under this Act.

The DOH shall establish an electronic registry of healthcare proxies and Primary Caregiver Cards that healthcare facilities may access to verify designations.

SEC. 7. *Revocation and Amendment.* – A patient may revoke or amend a healthcare proxy at any time, provided the patient has capacity to do so. Revocation may be made orally, in writing, or by executing a new healthcare proxy. Healthcare facilities shall update their records upon notification of any revocation or amendment.

CHAPTER III

RIGHTS IN HEALTHCARE SETTINGS

SEC. 8. *Right to Hospital Visitation.* – A designated primary caregiver shall have the right to visit the patient in any healthcare facility during visiting hours and, subject to reasonable

infection control and safety protocols, outside of visiting hours. Healthcare facilities shall not deny visitation to a designated primary caregiver solely on the ground that the caregiver is not a legal spouse or blood relative of the patient.

SEC. 9. *Right to Access Medical Information.* – A designated primary caregiver shall have the right to:

- (a) Receive information about the patient's diagnosis, prognosis, and treatment options;
- (b) Access the patient's medical records, subject to the patient's consent or, if the patient is incapacitated, as authorized under the healthcare proxy;
- (c) Consult with the patient's healthcare providers; and
- (d) Be present during medical consultations and procedures, subject to the patient's consent or the terms of the healthcare proxy.

SEC. 10. *Right to Make Healthcare Decisions.* – When a patient is incapacitated and unable to make healthcare decisions, the designated primary caregiver, acting as healthcare agent, shall have the right to:

- (a) Give or withhold informed consent to medical treatment, diagnostic procedures, and surgical interventions;
- (b) Authorize admission to or discharge from a healthcare facility;
- (c) Access and authorize the release of medical records;
- (d) Make decisions regarding pain management and palliative care;
- (e) Make decisions regarding the withdrawal or withholding of life-sustaining treatment, in accordance with the patient's known wishes or, in the absence thereof, the patient's best interests; and
- (f) Make decisions regarding organ or tissue donation, in accordance with applicable laws.

SEC. 11. *Standard of Decision-Making.* – In exercising healthcare decision-making authority, the designated primary caregiver shall make decisions in accordance with the patient's known wishes, values, and preferences. If the patient's wishes are not known, the caregiver shall make decisions in the patient's best interests, considering the patient's personal values, religious beliefs, and any other relevant factors.

SEC. 12. *Emergency Situations.* – In emergency situations where the patient is incapacitated and the healthcare proxy cannot be immediately located or verified, healthcare facilities shall make reasonable efforts to contact the designated primary caregiver. The caregiver may provide oral confirmation of their designation, subject to subsequent verification. Healthcare providers shall not be liable for good faith reliance on such oral confirmation.

CHAPTER IV

INSURANCE RIGHTS

SEC. 13. *Right to Designate as Beneficiary.* – Any person may designate their domestic partner or any other person as a beneficiary in life insurance, health insurance, and other insurance policies. Insurance companies shall not refuse to recognize a beneficiary designation or impose additional requirements solely on the ground that the designated beneficiary is not a legal spouse or blood relative of the insured.

SEC. 14. *Health Insurance Coverage.* – Health insurance providers, including health maintenance organizations (HMOs), may offer family or dependent coverage that includes domestic partners and their dependents. The Insurance Commission shall issue guidelines to facilitate such coverage options.

SEC. 15. *PhilHealth Recognition.* – The Philippine Health Insurance Corporation (PhilHealth) shall recognize a designated primary caregiver as an authorized representative of the patient for purposes of filing claims, receiving benefits information, and other transactions with PhilHealth. The designation in a valid healthcare proxy shall be sufficient for this purpose.

CHAPTER V

NON-DISCRIMINATION

SEC. 16. *Prohibited Acts.* – It shall be unlawful for any healthcare facility, healthcare provider, or insurance company to:

- (a) Refuse to recognize a valid healthcare proxy or Primary Caregiver Card;
- (b) Deny a designated primary caregiver the rights provided under this Act;
- (c) Impose additional requirements or conditions on a designated primary caregiver that are not imposed on legal spouses or blood relatives;
- (d) Discriminate against a patient or designated caregiver on the basis of sex, gender, sexual orientation, gender identity or expression, or the nature of their relationship;
- (e) Refuse to issue, honor, or process insurance policies or claims on discriminatory grounds as enumerated above; or
- (f) Subject a patient or designated caregiver to harassment, ridicule, or degrading treatment on the basis of their relationship or any protected characteristic.

SEC. 17. *Penalties.* – Any person who violates the provisions of the immediately preceding section shall be subject to:

- (a) For the first offense, a fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than One Hundred Thousand Pesos (P100,000.00);

(b) For the second offense, a fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Three Hundred Thousand Pesos (P300,000.00); and

(c) For the third and subsequent offenses, a fine of not less than Three Hundred Thousand Pesos (P300,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00) and revocation of the license of the healthcare facility or insurance company.

If the offender is a natural person acting in their capacity as employee or agent, such person shall also be liable to imprisonment of not less than six (6) months but not more than one (1) year, or both fine and imprisonment, at the discretion of the court.

CHAPTER VI

DUTIES OF HEALTHCARE FACILITIES

SEC. 18. *Duty to Inquire.* – Upon admission of a patient, healthcare facilities shall inquire whether the patient has executed a healthcare proxy and, if so, shall request a copy for the patient's medical records. Healthcare facilities shall inform patients of their right to designate a primary caregiver under this Act.

SEC. 19. *Duty to Honor Designations.* – Healthcare facilities shall honor all valid healthcare proxies and Primary Caregiver Cards presented by designated caregivers. Facilities may verify designations through the DOH electronic registry but shall not unreasonably delay the exercise of caregiver rights pending verification.

SEC. 20. *Training and Policies.* – Healthcare facilities shall train their personnel on the provisions of this Act and shall adopt written policies and procedures to ensure compliance. Such policies shall be made available to patients and their designated caregivers upon request.

SEC. 21. *Posting of Rights.* – Healthcare facilities shall post in conspicuous places a summary of the rights of designated primary caregivers under this Act, in both English and Filipino.

CHAPTER VII

FINAL PROVISIONS

SEC. 22. *Relation to Other Laws.* – Nothing in this Act shall be construed to diminish the rights of legal spouses or blood relatives under existing laws. The designation of a primary caregiver shall not affect the legal rights of family members under the Family Code or other applicable laws, except to the extent that such designation is recognized under this Act.

SEC. 23. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Department of Health, in coordination with PhilHealth, the Insurance Commission, and relevant stakeholders, shall promulgate the necessary rules and regulations to implement this Act.

SEC. 24. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 25. *Separability Clause.* – If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall remain in full force and effect.

SEC. 26. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 27. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspaper of general circulation.

Approved,