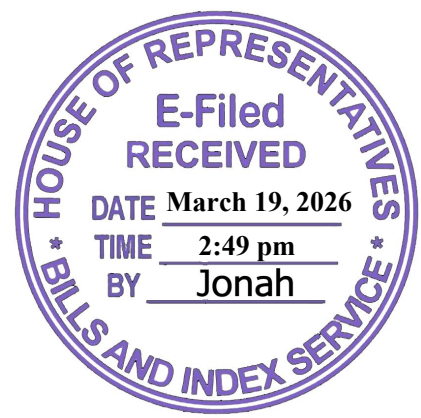


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 8713



Introduced by Rep. Sittie Aminah Q. Dimaporo

EXPLANATORY NOTE

In emergency medical situations where a patient is unable to provide informed consent, hospitals in the Philippines generally defer decision-making authority to the patient's spouse or next of kin. While this practice reflects traditional family structures, it does not account to the realities faced by many individuals who rely on partners, close friends, or other trusted persons as their primary caregivers.

In the absence of a legally recognized representative, healthcare providers often encounter delays in securing consent for necessary medical interventions. Such delays compromise timely treatment and adversely affect patient outcomes.

This bill seeks to address this long-standing gaps in emergency medical decision-making by establishing a legal framework for the designation of a Healthcare Agent through a Healthcare Proxy. Under this proposed measure, any competent adult may legally appoint a trusted individual to make healthcare decisions on their behalf in the event that they lose decision-making capacity.

By appointing a healthcare proxy, individuals are assured that their healthcare decisions will be respected and carried out in accordance with their wishes. This measure likewise promotes inclusivity by recognizing diverse family structures, including solo parents, domestic partners who are not married, patients estranged from their biological families, and others whose support systems fall outside traditional definitions.

In essence, the Right to Care Act will strengthen the overall quality of the country's healthcare system by promoting patient-centered care, improving the efficiency of care delivery, and ensuring that medical decisions align with the patient's values and preferences.

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


SITTIE AMINAH Q. DIMAPORO
Second District, Lanao del Norte

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HOUSE BILL NO. 8713

Introduced by Rep. Sittie Aminah Q. Dimaporo

AN ACT
REQUIRING THE RECOGNITION OF HEALTHCARE PROXIES BY ALL
HEALTH SERVICE PROVIDERS AND APPROPRIATING FUNDS THEREFOR

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 “Right to Care Act.”

SEC.2. Declaration of Policy. Article III, Section 1 of the 1987 Philippine Constitution states that, “[n]o person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.”

Moreover, Article III, Section 10 provides that, “[n]o law impairing the obligation of contracts shall be passed.”

Furthermore, the Universal Declaration of Human Rights recognizes that, “[h]uman rights are inherent in all persons regardless of gender, race, culture, religion, and any other status and all human beings are born free and equal in dignity and rights.”

Every human being has the right to the highest attainable standard of physical and mental health. It is an obligation of the State to develop and implement legislation and policies that guarantee universal access to quality health services and address the root causes of health disparities, including poverty, stigma and discrimination.

It is the policy of the State to make healthcare more accessible to and inclusive of persons of diverse sexual orientation and gender identity and expression and sex characteristics (SOGIESC), solo parents, and other eligible individuals by recognizing their chosen health care agent as their legally recognized representative in the healthcare setting.

SEC.3. Definition of Terms.

- A. *Adult* - a natural person who is eighteen (18) years of age or older.
- B. *Health Care* - any treatment, service, or procedure to diagnose or treat an individual's physical or mental condition.
- C. *Health Care Agent* - any Adult who is the chosen representative of a qualified Principal authorized to make Health Care Decisions on behalf of a Principal under a Health Care Proxy.
- D. *Health Care Decision* - any decision to consent or refuse to consent to Health Care.
- E. *Health Care Provider* - an individual or facility licensed, certified, or otherwise authorized or permitted by law to administer or provide Health Care in the ordinary course of business or practice. Unless the context otherwise requires or is otherwise specified, references to Health Care Provider include their agents and employees.
- F. *Health Care Proxy* - a document in which a Principal delegates to a Health Care Agent the authority to make Health Care Decisions on the former's behalf.
- G. *Principal* - any Adult, Single or Legally Separated, Solo Parent, or any other eligible individuals designating a Health Care Agent as their legally recognized representative in the healthcare setting through a Health Care Proxy.
- H. *Solo Parent*- any individual defined as such by Republic Act. No.11861 or the Expanded Solo Parent Act.

SEC. 4. Health Care Proxy. The Philippine Health Insurance Corporation (PhilHealth) shall provide for a Health Care Proxy for every Philhealth Member. Health Care Proxies under PhilHealth shall (a) identify the Principal and the Health Care Agent; (b) indicate that the Principal intends for the Health Care Agent to have authority to make Health Care Decisions on behalf of the Principal; and (c) A Health Care Agent shall be considered a Dependent of the Principal.

The designation of a Health Care Agent shall be included in the PhilHealth Membership Forms and shall be indicated in the PhilHealth Identification Cards. Health Care Proxies shall likewise be integrated into the PhilHealth Information Systems.

SEC. 5. Health Care Agent. A Health Care Agent designated in the Health Proxy shall on behalf of the Principal named therein, have the authority for the following:

a. Scope of Authority - subject to any express limitations in the Health Care Proxy, a Health Care Agent shall have the authority to make any and all Health Care Decisions on the Principal's behalf, including but not limited to the following:

- i. Authority to provide or give consent to bedside and nursing care services;
- ii. Authority to give consent to perform or administer emergency medical and/or management;
- iii. Authority to give consent to perform diagnostic and/or therapeutic procedure;
- iv. Authority to give consent to hook to lifesaving devices such as but not limited to a ventilator;
- v. Authority to give consent to declare Do Not Resuscitate (DNR); and
- vii. Authority to give consent to intubate.

Health Care Decisions made by the Health Care Agent on the Principal's behalf shall have priority over decisions by any other person. The authority of the Health Care Agent shall be limited in application to the healthcare setting and shall not in any way affect succession rights provided by the Civil Code.

b. Disclosure of information - the Health Care Agent shall have the right to receive medical information and records necessary to make informed decisions regarding the Principal's Health Care.

SEC. 6. Capacity. The authority of the Health Care Agent to make Health Care Decisions shall commence upon due determination, in accordance with applicable laws, rules, or regulations, that the Principal lacks capacity to make Health Care Decisions. In the event that there is a due determination that the Principal has regained capacity, the authority of the Health Care Agent to make Health Care Decisions shall cease, but shall recommence if the Principal subsequently loses capacity.

The foregoing notwithstanding, where the Principal objects to the determination of incapacity or to a Health Care Decision made by the Health Care Agent, the Principal's objection or decision shall prevail unless the Principal is determined by a court of competent jurisdiction to lack capacity to make Health Care Decisions.

SEC. 7. Expiration and Revocation. A Health Care Proxy shall be deemed to remain in effect until revoked. If, prior to the expiration of a Health Care Proxy, the authority of the Health Care Agent has commenced, the Health Care Proxy shall not expire while the Principal lacks capacity.

The amendment of the Health Care Proxy in the PhilHealth Membership Forms and/or issuance of a Special Power of Authority, shall be deemed as automatic revocation of any Health Proxy previously issued to such Principal.

SEC. 8. Health Care Provider Obligations. Health Care Providers are required to observe the following:

a. A Health Care Provider who is presented with a Health Care Proxy, or who finds such proxy on the person of the Principal-patient, or in the PhilHealth Identification Card of the Principal-patient, shall recognize and be charged with due knowledge that a Health Care Proxy has been executed by the Principal-patient.

In the event that the Principal-patient is unaccompanied by the Health Care Agent designated in the Health Care Proxy, Health Care Providers shall exert reasonably diligent efforts to notify such Health Care Agent, through the contact details provided in the PhilHealth Membership Form, of the circumstances by which the Principal-patient is under their care.

b. A Health Care Provider shall comply with the Health Care Decisions made by the designated Health Care Agent in good faith under a Health Care Proxy to the same extent as if such decisions had been made by the Principal-patient, subject to any limitations provided in this Act.

c. A Principal-patient may revoke a Health Care Proxy by notifying the Health Care Provider orally or in writing or by any other act evidencing a specific intent to revoke such proxy. In such cases, the Health Care Provider shall record such revocation in the

Principal-patient's medical records, and notify its relevant agents and employees, as well as the Health Care Agent of such revocation.

d. The Department of Health (DOH) shall issue guidelines for Health Care Providers including health insurance companies, health maintenance organizations (HMOs) and other facilities, institutions, and/or professionals in the healthcare system to recognize the Health Proxy of Principal-patients, the Health Care Agents as the legally recognized representative of the Principal-patients, and to act in accordance thereto.

SEC. 9. Immunity. Health Care Providers, or any of its agents or employees, shall be free from any liability for honoring in good faith a Health Care Decision by a Health Care Agent, or for other actions taken in good faith pursuant to this Act. Further, the Health Care Agent shall be free from any liability for making a Health Care Decision in good faith pursuant to this Act.

SEC. 10. Health Care Cost. Liability for the cost of Health Care provided pursuant to a Health Care Agent's Health Care Decisions shall be the same as if the Health Care were provided pursuant to the Principal's Health Care Decisions.

SEC. 11. Allied Services. No person may require or prohibit the execution of a Health Care Proxy as a condition for providing Health Care services or insurance to an individual.

SEC. 12. Non-limitation. Nothing in this Act creates, expands, diminishes, impairs or supersedes any authority that a Principal-patient may have under law to make or express decisions, wishes, or instructions regarding health care, whether or not expressed in a Health Care Proxy. Further, nothing herein shall be construed to permit a Health Care Agent to consent to any act or omission to which the Principal-patient could not consent under law.

SEC. 13. Penalties. The DOH, the Professional Regulation Commission, the PhilHealth and any other relevant government agencies may suspend or revoke the licenses or certifications of Health Care Providers and any of its agents and employees that violate the provisions of this Act.

SEC. 14. Implementing Rules and Regulations. The DOH together with PhilHealth

shall formulate the necessary rules and regulations for the implementation of this Act within ninety (90) days upon its effectivity.

SEC.15. Appropriations. Appropriations for the implementation of this Act shall be sourced from the general appropriations of the PhilHealth under its Gender and Development fund.

SEC. 16. Separability Clause. If any section or provision of this Act is held unconstitutional or invalid, the remaining sections or provisions with the provisions not affected thereby shall continue to be in full force and effect.

SEC. 17. Repealing Clause. All laws, decrees, executive orders, rules and regulations, issuance or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 18. Effectivity. - This Act shall take effect fifteen (15) days after publication in the Official Gazette or two (2) newspapers of general circulation.

Approved,