

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SEP 14 2015
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SENATE
S. No. 2516

Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

When the Electronic Commerce Act of 2000 was conceived in Congress, it was the primal intention to make every transaction both in the private and government offices easier and faster. Since then, private establishments and government offices conceptualized ways to make paper-less and remote transactions possible, making the life of the Filipinos less complicated.

It is in this context that this bill was prepared. Having access to our own medical records electronically over the internet will not only save time, money and effort but more importantly, it will serve as a means of obtaining medical information of patients that can be useful in times of emergency.

The business of providing healthcare service should ride on the present advanced services provided by the Information and Communications Technology. Let us exploit all the benefits which on-line transactions can deliver to our society in order to protect and save lives.

In view of the foregoing, early passage of this bill is earnestly sought.


MANUEL "LITO" M. LAPID
Senator

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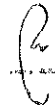
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SENATE

S. No. 2516

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Introduced by Senator Manuel "Lito" M. Lapid

AN ACT

MAKING AVAILABLE ELECTRONIC MEDICAL RECORDS OF ALL PATIENTS OF HOSPITALS AND CLINICS ESTABLISHING FOR THIS PURPOSE ELECTRONIC MEDICAL RECORD CENTER UNDER THE DEPARTMENT OF HEALTH, APPROPRIATING FUNDS THEREFORE AND FOR OTHER PURPOSES

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 "*Electronic Medical Records Act of 2010*".

SEC. 2. Declaration of Policy. - It is hereby declared policy of the State to 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. Towards this end, the State shall encourage the use of Information and Communications Technology (ICT) for the fast, easy and reliable access to medical records of all patients by making available on-line their medical information in order to benefit them in times of emergency and immediate needs for the records.

SEC. 3. Definition of Terms. -- For purposes of this Act the following term shall mean:

1.) *Electronic Medical Records* - shall refer to medical background and history of medical service provider's patients and such other information to be designed and developed by the Records Center. It shall come in a standard electronic format.

2.) *Medical Service Providers* – shall refer to all medical practitioners, hospitals, clinics, centers and other similar institutions that provide medical care service and assistance.

3.) *Medical Practitioners* – shall refer to licensed physicians practicing in urban cities and municipalities.

4.) *Department* – shall refer to the Department of Health (DOH).

5.) *Records Center* - shall refer to the Electronic Medical Records Center created under this Act.

6.) *Secure Socket Layer* - Also known as SSL is a technology which negotiates and employs the essential functions of mutual authentication, data encryption, and data integrity for secure transactions. The SSL security protocol provides data encryption, server authentication, message integrity, and client authentication for a TCP/IP connection.

7.) *128-bit Encryption* - represents a very strong method of encryption generated by every encrypted transaction. The process of encryption hides data or the contents of a message in such a way that the original information can be recovered through a corresponding decryption process. Encryption and decryption are common techniques in securing electronic data communications.

SEC. 4. *Electronic Medical Records Facilities Creation, Maintenance and Uploading.* – All provisions of existing laws to the contrary notwithstanding, medical service providers shall create and maintain electronic medical records which shall be electronically uploaded on a regular basis. The medical service providers shall likewise maintain hard copies of the electronic records to be printed and stored as back-up records.

All concerned medical service providers may elect to keep their own existing format in addition to the new electronic records and its back-up for purposes of their own use or in providing hard copies to patients: *Provided however,* That back-up copies of electronic records shall, at all times, be included when providing hard copies to the requesting patients.

The electronic medical records facilities aside from keeping records, shall likewise provide for an electronic facility where the patients and medical service providers can communicate on-line either in real time or off line.

SEC. 5. *Electronic Medical Records Center.* – There shall be created an Electronic Medical Record Center to be placed under the Office of the Secretary of the Department of Health. The center shall serve as a hub of all databanks of medical records and other pertinent information significant to the patient's medical history.

The Records Center shall generate specialized software to be distributed and used as the standard platform for the maintenance, updating, uploading and making available electronic Medical Records.

The center shall enforce strict compliance with the uploading and updating of electronic medical records as provided for in this Act.

SEC. 6. *Security Features of Electronic Medical Records.* – In order to assure the privacy of all medical records, electronic communications and transactions electronic medical records system shall use the existing 128-bit encryption or higher form of Secure Socket Layer (SSL) technology which may be devised in the future.

The security features of electronic medical records shall likewise comply with the security provisions as provided for in RA 8792 or the Electronic Commerce Law of 2000.

SEC. 7. *Funding.* – There is hereby authorized to be appropriated for the implementation of this Act the amount of Ten Million Pesos (Php10,00,000.00) for the initial operations of the Electronic Medical Records Center as an attached agency of the Department. Thereafter, such amount needed to implement this Act shall be included in the Annual Appropriations Act of the Department.

SEC. 8. *Implementing Rules and Regulations (IRR).* - The Department shall create a special committee to draft the Implementing Rules and Regulations governing this Act. Within three (3) months from the effectivity of this Act, the special committee shall submit the IRR to the Secretary of the Department who shall approve it within thirty (30) days.

SEC. 9. Separability Clause. – If any provision of this Act or the application of such provision to any person or circumstances is held invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 10. Repealing Clause. – All laws, rules or orders inconsistent with the provisions of this Act are hereby repealed.

SEC. 11. Effectivity Clause. – This Act shall take effect upon completion of its publication in at least two (2) national newspapers of general circulation.

Approved,