

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
FIRST REGULAR SESSION

JUN 30 12:37

RECEIVED BY: 

SENATE

S.B. NO. 75

Introduced by Senator LUISA "LOI" P. EJERCITO ESTRADA

EXPLANATORY NOTE

The Constitution provides that the State shall adopt an integrated and comprehensive approach to health development, and shall endeavor to make essential good health, and other social services available to all the people at affordable cost.

This bill provides for the use of mobile units, in order to render effectively medical, diagnostic, and treatment services to the public. It will ensure the availability of quality health care services for patients who live in remote or rural areas, and for patients who need specialized types of medical care.

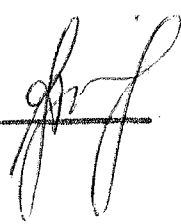
The immediate passage of this bill is earnestly solicited


LUISA "LOI" P. EJERCITO ESTRADA
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC
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S.B. NO. 175

Introduced by Senator LUISA "LOI" P. EJERCITO ESTRADA

AN ACT

TO PROVIDE FOR THE USE OF MOBILE UNITS SERVING MEDICAL, DIAGNOSTIC, AND TREATMENT SERVICES, IN ORDER TO ENSURE THE AVAILABILITY OF QUALITY HEALTH CARE SERVICES FOR PATIENTS WHO RECEIVE CARE IN REMOTE OR RURAL AREAS AND FOR PATIENTS WHO NEED SPECIALIZED TYPES OF MEDICAL CARE PROVIDED IN A COST-EFFECTIVE WAY

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

Section 1. **Short Title.** - This Act may be cited as the "Mobile Health Care Services Act."

Section 2. **Declaration of Policy.** - One of the objectives of the State is to ensure the availability of quality health care services in a cost-effective way. To attain this objective, the State recognizes the use of mobile units serving medical, diagnostic and treatment services to provide medical services particularly in remote or rural areas.

Section 3. **Definition of Terms.** - For purposes of this Act, the following terms shall mean:

1. "Department" means the Department of Health;

2. "Mobile Service Unit" or "Mobile Unit" means a public or private vehicle, that provides health services, and meets any of the following criteria:
- A) Approved pursuant to this Act by the Department of Health as a service of a licensed health facility;
 - B) Approved by the Department pursuant to this Act as a service of a licensed clinic;
 - C) Licensed pursuant to the requirements prescribed by the Department as a clinic;
 - D) Licensed pursuant to this Act as an "other" type of approved mobile unit by the Department. "Other" types of approved mobile units shall be limited to mobile units performing services within new health facility or clinic licensure categories created after the effectivity of this Act.
- 3) "Mobile Service Unit" or "Mobile Unit" does not mean a modular, relocatable, or transportable unit that is designed to be placed on a foundation when it reaches its destination, nor does it mean any entity that is exempt from licensure as provided by the Department.

Section 4. **Operation of the Mobile Unit.** - A Mobile Unit may operate as an adjunct to a licensed health facility or to a licensed clinic or an "other" type of approved mobile unit.

Section 5. **The Department Shall Charge Applicants a Licensure Fee as Follows:** -

- A) Pursuant to the rules and regulations of the Department that creates a new health facility or clinic licensure category.
- B) No additional licensure fee will be imposed solely because a service is to be provided in a mobile unit.

Section 6. Requirements Prior to Licensure. -

- A) The mobile unit shall comply with the applicable requirements of the Vehicle Code as provided by the Department, and shall have a vehicle identification number;
- B) The mobile unit shall bear an insignia issued by the Department

Section 7. Obtaining A License. -

- a) Except as provided in subsection (b), no person, political subdivision of the state, or governmental agency shall operate a mobile service unit without first obtaining a license in addition to existing licensure as provided in this Act unless exempted from licensure as provided By the Department;
- b) Any person, political subdivision of the state, or governmental agency that has been operating a mobile unit as of January 1, 1997, may continue to operate the mobile unit only under the following conditions:
 - 1) The person, political subdivision of the state, or governmental agency shall apply to the Department for a mobile unit license, or an addition to existing licensure, via a request for licensure under this Act.

- 2) The person, political subdivision of the state, or governmental agency shall cease operating the mobile unit upon a final decision of the Department denying the application for licensure or addition to licensure under this Act.

Section 8. **Application.** –

- a) Any applicant under this Act shall file with the Department an application. The application shall be on forms prescribed and furnished by the Department that shall contain any information as may be required by the Department for the proper administration and enforcement of this Act;
- b) An applicant health facility or clinic pursuant to this Act shall submit an application to the Licensing and Certification Department stating specifically all of the following:
 - 1) The proposed service to be provided.
 - 2) The expected hours and days of operation.
 - 3) The type and the manufacturer of the mobile unit contemplated.
 - 4) The proposed area or areas where the mobile unit will be providing services.
- c) An applicant for licensure as an Independently licensed clinic under this Act shall submit a verified application to the Department on the appropriate forms for the type of clinic for which it wishes to obtain licensure;

- d) Prior to granting approval to an applicant parent facility for operation of a mobile unit under the parent facility's existing licensure pursuant to this Act, or prior to granting license for an independent mobile unit, the Department shall conduct an onsite inspection, including, but not limited to, a review of policies and procedures.

Section 9. Qualifications. -

- a) To qualify for a license under this Act, an applicant shall satisfy all the applicable regulations as required by the Department.
- b) The applicant shall file a completed application with the Department.
- c) Clinics licensed as mobile units shall be subject to the same requirements and regulations as any other clinic, except that, instead of complying with the physical plant requirements applicable to the clinic, the mobile unit shall comply with the mobile unit requirements contained in this Act.

Section 10. Periodical Inspection. -

- a) A licensee using mobile services pursuant to this Act shall, at the Department's option, be periodically inspected by a duly authorized representative of the Department. Reports of each inspection shall be prepared by the representative conducting it upon forms prepared and furnished by the Department and filed with the Office of the Department of

Health. The inspection shall be for the purpose of ensuring that this Act and the rules and regulations of the Department adopted under this Act are being followed.

- b) Any officer, employee, or agent of the Department may enter and inspect any building, premises, or vehicle and may have access to and inspect any document, file, or other record, of a mobile unit or of a parent facility operating a mobile unit, at any reasonable time to assure compliance with, or to prevent violation of, this Act.
- c) Demonstration of a mock emergency drill shall be observed by Department staff in the mobile unit on a site where patient mobility is limited.

Section 11. Specifications of Mobile Unit. –

- a) The mobile unit shall be sufficient size and shall be arranged in a manner that is appropriate for the provision of those health services that is licensed to provide;
- b) The mobile unit shall be equipped with appropriate utilities for the comfort and safety of patients. The Department shall review and approve hospital-provided utility connections for mobile units that require utility hookups with general acute care hospitals;
- c) The mobile unit shall be maintained in good repair and in a clean and sanitary manner;
- d) All proposed modifications to previously approved services, procedures, and sites shall be reviewed and approved by the Department before they are implemented. Site changes shall also be reported by the licensee to local authorities.

Section 12. **Responsibilities of the Licensed Clinic.** –

- a) The licensed clinic shall be responsible for obtaining approvals for the site or sites of the mobile unit from the local planning, zoning, and fire authorities, as required.
- b) The mobile unit shall be situated for safe and comfortable patient access. The mobile unit shall comply with all local parking ordinances.
- c) The clinic shall ensure that there is sufficient lighting around the perimeter of the site from which the mobile unit provides any services.

Section 13. **Mobile Services by Licensee.** - Any licensee using mobile services pursuant to this Act shall comply with the following:

- a) Have written policies established by the governing body of the licensee, to govern the services that the mobile unit provides. The policies shall include, but shall not be limited to, policies related to patient care, personnel training and orientation, personnel supervision, and evaluation of services provided by the mobile unit;
- b) Have written policies regarding patient selection criteria;
- c) Develop and implement the written policies and procedures for the Mobile unit in consultation with other appropriate health care professionals;
- d) Ensure that the written policies and procedures are consistent with the policies and procedures of the parent facility, if any;

- e) Ensure that the policies and written procedures shall be approved by the governing body, administration, and medical staff of the licensee, where appropriate.
- f) Ensure that the written policies and procedures include, but are not limited to, all of the following:
 - 1) Scope of Services;
 - 2) Procedures for the performance of the services provided;
 - 3) Quality assurance;
 - 4) Infection control;
 - 5) Medical record documentation of services provided, as appropriate;
 - 6) Transport of patients, including but not limited to, method, special equipment, necessary personnel, and protection from inclement weather.
 - 7) Emergency services and evacuation plan for the mobile unit.
- g) A licensee using mobile services pursuant to this Act shall specify in writing policies and procedures for emergencies including fire, natural disaster, and medical emergencies. In its policies and procedures, the mobile unit shall address the emergency plan required of the parent facility and state how the plans shall be coordinated;
- h) A licensee using mobile services pursuant to this Act shall familiarize its employees and each patient with the policies and procedures adopted pursuant to subparagraph (a)
- i) A licensee using mobile services pursuant to this Act shall Maintain written transfer agreements that shall include, but

shall not be limited to, provisions for communication with, and transportation to, one or more nearby hospitals and other health facilities as needed to meet medical emergencies. The mobile unit shall develop procedures that include personnel needed to assist in the transfer, as well as provisions for meeting medical needs to accommodate the emergency transfer;

- 1) Location;
 - 2) Schedule of mobile unit services.
- j) Maintain clinical records on each patient, in accordance with regulations;
- k) Maintain a mobile unit services log that shall include, but shall not be limited to, all of the following:
- 1) Patient chart Or identification number;
 - 2) Name, age and sex of patient;
 - 3) Site, date, time and as appropriate, duration of procedure.

Section 14. The Mobile Unit Shall Comply with the Following:

- a) It shall have supplies and equipment to meet the needs of the patients served;
- b) Any mobile unit X-ray equipment shall be in compliance with the requirements issued by the Department;
- c) The mobile unit shall have fire safety equipment as specified by the fire authority having jurisdiction, including but not limited to, at least two fire extinguishers;

- d) Documented evidence of preventive maintenance and calibration procedures of mobile unit equipment shall conform to the manufacturer's specifications;
- e) Use of the equipment in mobile units shall conform to the manufacturer's specifications;
- f) The mobile unit shall have a telecommunications device.

Section 15. Implementing Rules and Regulations. -

Within six (6) months after the enactment of this Act, the Department shall formulate and issue the appropriate rules and regulations necessary to carry out the implementation of this Act and to enable the Department to exercise the powers and perform the duties conferred upon it by this Act.

Until the Department adopts regulations relating to provision of services by a chronic hemodialysis clinic, a surgery clinic, or a rehabilitation clinic, mobile units licensed or seeking licensure, in these categories shall comply with Department's certification standards for end stage renal disease clinics, ambulatory surgery clinics, or comprehensive outpatient rehabilitation facilities, as applicable.

Section 16. Separability Clause. - If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Section 17. Repealing Clause. - Any Law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

Section 18. **Effectivity Clause.** – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

GVL/tmd/tmd4bills filed 2002/1210