

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

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S E N A T E

S.:N^o. 340

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Situated as it is in the typhoon belt, the Philippines is periodically subject to devastating natural calamities. In addition, the continuing problems of peace and order and the high incidence of man-made disasters create a strong demand for emergency rescue services in the Philippines.

This bill empowers the Department of Health to enter into contracts with private non-profit enterprises for the provision of emergency rescue services. In particular, the bill provides that the Department of Health

- 1) shall give special consideration to applications for grants or contracts relative to the delivery of emergency medical services in the rural areas and training programs which emphasize the identification and use of techniques and methods to improve the delivery of emergency medical services to such areas; and
- 2) shall determine the amount or extent of assistance to be given to non-profit emergency rescue units. Funding assistance may be made in advance or by way of reimbursement for services at such intervals and on such conditions as the Department may prescribe.

A well-accepted rule in governance states that the government's primary role is that of enabling the success of private sector businesses. This bill paves the way for the development of private markets in medical rescue services - an area where efficient, innovative service is urgently and direly needed.

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



SERGIO OSMEÑA III
Senator

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**AN ACT
TO PROMOTE AND ENCOURAGE THE FORMATION AND OPERATION OF
PRIVATE NONPROFIT EMERGENCY RESCUE UNITS**

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

1 SECTION 1. Title. – This Act shall be known and may be cited as the
2 **“Good Samaritan Act of 2004.”**

3 SEC. 2. Declaration of Policy. – In line with the profound constitutional
4 concern for the value of human life, it is hereby declared a policy of the State to
5 promote and encourage the formation and operation of private non-profit
6 emergency rescue units by assisting them in their funding, equipment and other
7 primary requirements.

8 SEC. 3. Definition of Terms. – As used in this Act, unless the context
9 clearly indicates otherwise, the term –

10 a) Emergency rescue units means a medical unit organized primarily to
11 detect and report medical emergencies, perform rescue work, render initial
12 medical assistance at the scene of emergency and therefrom to a hospital or
13 other hospitable environment, and provide transport of the emergency victims to
14 definitive medical care.

15 b) Emergency Medical Services means services provided for the medical
16 management of emergency out-patients and injured victims of accidents,
17 disasters, calamities and other abnormal occurrences at, and while being
18 transported from, the scene of emergency preparatory to referral or admission for
19 definitive medical care.

20 c) Department means the Department of Health

1 d) Secretary means the Secretary of the Department of Health.

2 e) Third parties means persons other than the ones being rescued and
3 other than the personnel of the emergency rescue unit.

4 SEC. 4. Grants and Contracts. – The Department may make grants to,
5 or enter into contracts with, private non-profit emergency rescue units which
6 meet the requirements of the Department for –

7 a) assistance in meeting the cost of training programs for physicians,
8 nurses, and emergency medical technicians in the techniques and methods of
9 providing emergency medical services;

10 b) assistance in kind in the form of medicines and medical supplies
11 peculiarly needed in rendering emergency medical services;

12 c) assistance in the lease, either on nominal lease or on rent-free basis,
13 of equipment specially suited for delivering emergency medical services, such
14 as, but not limited to, ambulances, respirators, wheelchairs, oxygen tanks, and
15 power jacks; and

16 d) assistance in meeting final judgements for the payment of money for
17 accidental injury or death to third parties, arising from the performance by
18 personnel of an emergency rescue units, in the course of emergency rescue
19 operations, of a lawful act with due care and without fault or intention of causing
20 such injury or death: Provided, That such assistance shall in no case exceed fifty
21 percent (50%) of the amount adjudged to be paid.

22 SEC. 5. Special Consideration for Rural Areas. – The Department shall
23 give special consideration to applications for grants or contract relating to the
24 delivery of emergency medical services in the rural areas and training programs
25 which emphasize the identification and utilization of techniques and methods to
26 improve the delivery of emergency medical services in such areas.

27 SEC. 6. Eligible Units. – No grant or contract may be made or entered
28 into by the Department under this Act unless -

29 a) the applicant is a private non-profit organization; and

30 b) an applicant therefore has been submitted to, and approved by, the
31 Department such application shall be in such form, submitted in such manner,

1 and contain such information, as the Secretary shall be regulation prescribe to
2 ensure that grants and contracts do not exceed reasonable bounds and that
3 monitoring will be facilitated.

4 Sec. 7. Extent of Assistance; Payment; Reports. – The amount or extent
5 of assistance under this Act shall be determined by the Department. Funding
6 assistance may be made in advance or by way of reimbursement and at such
7 intervals and on such conditions as the Department may prescribe.

8 Sec. 8. Reports. – Grantees contracts shall make such reports at such
9 intervals, and containing such information, as the Department may require. The
10 reports shall include, in particular, recommendations, in the context of the grant
11 or contract, for improving the delivery of emergency medical units.

12 Sec. 9. Rules and Regulations. – Within one hundred twenty (12) days
13 from the date of effectivity of this Act, the Secretary shall issue such regulations
14 as may be necessary to implement its provisions and help achieve its objecve.

15 SEC. 10. Authorization of Appropriations. – The sum or sums needed for
16 the grants to be appropriated in the General Appropriations Act: Provided, That
17 no less than thirty-five percent (35%) of the funds authorized to be appropriated
18 for a particular fiscal year shall be used to assist in meeting the cost of training
19 programs for physicians, nurses, and emergency medical technicians in
20 emergency medicine.

21 SEC. 11. Separability Clause. – Should any part or provision of this Act
22 be deemed unconstitutional or invalid, the remainder of this Act not otherwise
23 affected thereby shall remain in force and effect.

24 SEC. 12. Repealing Clause. - All laws, decrees, orders, or administrative
25 rules and regulations or parts thereof which are inconsistent with the provisions
26 of this Act shall be repealed, amended, or modified accordingly.

27 SEC. 13. Effectivity. - This Act shall take effect fifteen (15) days after its
28 publication in the Official Gazette or in at least two (2) newspapers of general
29 circulation whichever comes earlier.

Approved,