



Senate
Office of the Secretary

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

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SENATE
S. No. **1763**

RECEIVED BY: *ji*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The offering and operation of health plans is a growing and profitable industry in the Philippines. Many organizations are either engaged in this business or subscribe to one. People subscribe to these health plans and pay substantial sums for guaranteed access to quality health care when they need it.

One of the critical factors that ensure quality health care is a patient's access to all relevant information necessary to make appropriate decisions about their health care. Open medical communication between health care providers and their patients is a key to prevention and early diagnosis and treatment, as well as to informed consent and quality, cost-effective care, therefore open medical communications are in the best interests of patients. It is critical that health care providers continue to exercise their best medical, ethical, and moral judgment in advising patients without interference from health plans.

This bill seeks to establish a national standard that protects medical communications between health care providers and patients.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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SENATE
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Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 PROTECTING CERTAIN TYPES OF MEDICAL COMMUNICATIONS
3 BETWEEN A HEALTH CARE PROVIDER AND A PATIENT

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

4 SECTION 1. *Short Title.* - This Act shall be known as the "Patient's Right to Know Act."

5 SECTION 2. *Definitions of Terms.* - For the purposes of this Act, the term:

6 (A) "Health Care Provider" means anyone licensed or certified under Philippine law
7 to provide health care services and who is operating within the scope of such license;

8 (B) "Health insurance issuer" means any company, corporation, association or
9 organization that offers any policy, contract or agreement that stipulates to provide for the
10 insured either medical attention, medicine, care during disability, or money necessary for any
11 such purposes; and

12 (C) "Health plan" means a group health plan and any individual health insurance
13 operated by a health insurance and includes any other health care coverage provided through a
14 private or public entity. In the case of a health plan, that is an employee welfare benefit plan, any
15 third party administrator or other person with responsibility for contracts with health care
16 providers under the plan shall be considered, for purposes of enforcement under this section, to
17 be a health issuer operating such health plan; and

18 (D) "Medical communication" means any communication made by a health care
19 provider with a patient of the health care provider or the guardian or legal representative of such
20 patient with respect to:

- 1 (1) The patient's health status, medical care, or legal treatment options;
- 2 (2) Any utilization review requirements that may affect treatment options for
- 3 the patient; or
- 4 (3) Any financial incentives that may affect the treatment of the patient.

5 The term does not include a communication by a health care provider with a patient of
6 the health care provider or the guardian or legal representative of such patient if the
7 communication involves a knowing or wilful misrepresentation by such provider.

8 SECTION 3. *Prohibition of Interference with Certain Medical Communications.* -

9 (A) *Prohibition.* -

10 (1) *General Rule.* - The provisions of any contract or agreement, or the
11 operation of any contract or agreement, between an entity operating a health
12 plan (including any partnership, association, or other organization that enters
13 into or administers such a contract or agreement) and a health care provider
14 (or group of health care providers) shall not prohibit or restrict the provider
15 from engaging in medical communications with his or her patient.

16 (2) *Nullification.* - Any contract provision or agreement described in paragraph
17 (1) shall be null and void.

18 (3) *Prohibition on Provisions.* - Effective on the date described in Section 7, a
19 contract or agreement described in paragraph (1) shall not include a
20 provision that violates paragraph (1).

21 (B) *Rules of Construction.* - Nothing in this Act shall be construed -

22 (1) To prohibit the enforcement, as part of a contract or agreement to which a
23 health care provider is a party, of any mutually agreed upon terms and
24 conditions, including terms and conditions requiring a health care provider
25 to participate in, and cooperate with, all programs, policies, and procedures
26 developed or operated by a health plan to assure, review, or improve the
27 quality and effective utilization of health care services, if such utilization is

1 according to the guidelines or protocols that are based on clinical or
2 scientific evidence and the professional judgment of the provide, but only if
3 the guidelines or protocols under such utilization do not prohibit or restrict
4 medical communications between providers and their patients; or

- 5 (2) To permit a health care provider to misrepresent the scope of benefits
6 covered under a health plan or to otherwise require the plan to reimburse
7 providers for benefits not covered under the plan.

8 SECTION 4. *Penalty Clause.* - An entity operating a health plan in the Philippines that
9 violates Section 3(A) shall be subject to a fine of up to Two Hundred Thousand Pesos
10 (P200,000.00) for each such violation.

11 SECTION 5. *Separability Clause.* - If any provision or part hereof is held invalid or
12 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
13 valid and subsisting.

14 SECTION 6. *Repealing Clause.* - Any law, presidential decree or issuance, executive
15 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
16 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

17 SECTION 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
18 publication in at least two (2) newspapers of general circulation.

Approved,