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SENATE

S. B. No. 1520

RECEIVED



INTRODUCED BY SENATOR ANA THERESIA "RISA" HONTIVEROS
BARAQUEL


AN ACT INSTITUTING A POLICY ON
BLOODBORNE VIRAL HEPATITIS TESTING AND SCREENING

Hepatitis B and C infections are significant public health problems in the country. Both can cause chronic infection and are strongly linked with the development of liver cirrhosis and liver cancer which are incurable and fatal. Globally, around 57% of liver cirrhosis cases are attributed to Hepatitis B and C. An estimated 240 million people are chronically infected with hepatitis B, and more than 686,000 people die every year from complications due to the disease. In the Philippines, the Department of Health (DOH) estimates that 10% to 16% of Filipino adults suffer from chronic hepatitis B infection, and this accounts for more than two thirds of all cases of liver cancer, the second leading cause of cancer deaths in the country.

Majority of people with blood borne viral hepatitis are asymptomatic and could unknowingly transmit the disease. Nevertheless, measures are available to prevent the transmission of the disease primarily through the limitation of the exposure of uninfected individuals to infected blood and other bodily fluids. In addition, an effective vaccine for Hepatitis B is widely available and has been included in the government's Expanded Program on Immunization. An important aspect of preventing Hepatitis B and C transmission is public awareness on this disease.

Infection with blood borne viral hepatitis has a significant social impact not just from the disease but from fear, stigma, and discrimination. It has been reported that Filipinos with viral hepatitis find themselves subject to discrimination in the workplace. There are instances when individuals with positive blood tests are terminated or are not considered for employment even for jobs that have very low risk of disease transmission.

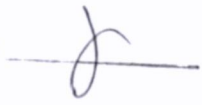
The Department of Labor and Employment (DOLE) Department Advisory No 05 (Series of 2010) also known as the Guidelines for the Implementation of a Workplace Policy and Program on Hepatitis B was issued to protect the rights of workers with HBV and HCV. Despite this, cases of discrimination of HBV and HCV positive individuals persist. This situation highlights the need to revise our policy on Hepatitis B and Hepatitis C Testing to ensure that the rights of all Filipinos to privacy and confidentiality when it comes to their health conditions are protected and to improve access of HBV and HCV positive individuals to quality health care. Hence, the immediate passage of this measure is earnestly sought.


ANA THERESIA "RISA" HONTIVEROS BARAQUEL
Senator



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

1 **Section 1. Short Title** – This Act shall be known as the “Bloodborne Viral Hepatitis
2 Testing Act of 2017”

3 **Section 2. Declaration of Policies.** It is hereby declared that the policy of the State is to
4 promote health and well-being of the population through prevention, early detection and
5 treatment of diseases like bloodborne viral hepatitis, as well as, to protect the rights of
6 people living with these diseases who suffer from stigma and discrimination through the
7 promotion of voluntary and confidential testing of blood borne viral hepatitis and the
8 prohibition of mandatory and routine screening of the same.

9 **Section 3. Definitions.** For the purposes of this Act, the following definitions shall apply:

10 (a) *Bloodborne Viral Hepatitis* refers to the disease caused by both Hepatitis B and
11 Hepatitis C virus which can be transmitted by exposure to infected blood and
12 other body fluids, producing, among others, jaundice and chronic
13 inflammation of the liver.

14 (b) *Hepatitis B Virus (HBV)* and *Hepatitis C Virus (HCV)*, refers to the virus that
15 causes Hepatitis B and Hepatitis C respectively. A safe and effective vaccine is
16 available for Hepatitis B while there is none for Hepatitis C. Treatment
17 modalities are available to effectively manage the symptoms and to prevent
18 complications caused by these diseases.

1 (c) *Hepatitis Testing or Screening* refers to any facility-based or mobile medical
2 procedure that is conducted to determine the presence or absence of
3 Hepatitis B or C or the circulating viral burden in a person's body.

4
5 (d) *Workplace* refers to the office, premises or worksite, whether in the private or
6 the public sector, including government agencies, their subdivisions,
7 instrumentalities, and government-owned and controlled corporations, where
8 a worker is temporarily or habitually assigned. Where there is a no fixed or
9 definite workplace, the term shall include the place where a worker performs
10 regular work, or where a worker regularly reports to render service or to take
11 an assignment

12 (e) *Universal Precautions* refers to the practice of avoiding contact with bodily
13 fluids, assuming it to be infected, by means of non-porous articles or other
14 personal protective equipment.

15
16 (f) *Exposure-prone Procedures (EPP)* refers to invasive procedures where there is a
17 risk that injury to the worker may result in the exposure of the patient's open
18 tissues to the blood of the worker, including procedures where the worker's
19 gloved hands may be in contact with sharp instruments, needle tips or sharp
20 tissues (e.g. spicules of bone or teeth) inside.

21
22 **Section 4. Voluntary Hepatitis Testing** – As a matter of policy, the State shall
23 encourage voluntary hepatitis testing. Written consent of the person taking the test or the
24 parent or legal guardian of a minor or legally incapacitated taking the test, must be
25 obtained before such testing. The conduct of hepatitis testing as a pre-requisite for hiring,
26 employment, renewal of employment or continued employment, or as part of a routine
27 health check-up without clinical indication or medical justification, or as a pre-requisite
28 for admission to, basis for expulsion from or any disciplinary action in educational
29 institutions, shall be prohibited.

30
31 **Section 5. Confidentiality of Hepatitis Testing** - In all cases, access to all information
32 related to a person's HBV or HCV status including the results of hepatitis testing shall be
33 kept strictly confidential except when disclosed with the written consent of the individual

1 or the parent or legal guardian of the minor or legally incapacitated whose HBV or HCV
2 status is involved, unless otherwise required by law.

3 **Section 6. *Counselling and Referral for Further Management*** – All hepatitis testing
4 shall include counselling which should be able to provide the individual who took the test
5 information on measures to prevent transmission and if necessary a referral to a health
6 practitioner for further evaluation and management.

7 **Section 7. *Exceptions to Voluntary Hepatitis Screening and Testing***. – Compulsory
8 testing for blood borne viral hepatitis shall be allowed only in the following instances:

- 9 a. When it is necessary to test a person, who is charged with any of the offenses
10 punishable under Article 264, 266, 335 and 338 of the Revised Penal Code, as
11 amended by Republic Act No. 8353, otherwise known as the Anti-Rape Law of
12 1997;
- 13 b. As a prerequisite in the donation of blood in compliance with the provisions of
14 Republic Act No. 7170, otherwise known as the Organ Donation Act, and
15 Republic Act No. 7719, otherwise known as the National Blood Services Act;
- 16 c. As part of surveillance and management of blood borne hepatitis among health
17 care workers involved in exposure prone procedures. Provided that, it shall not be
18 a pre-requisite for admission to or a basis for expulsion or any disciplinary action
19 in an educational institution for health care workers or for employment or re-
20 employment in a health care facility; Provided further that, positive results of such
21 testing shall not be used as justification for the termination of a health care worker
22 employed in a health facility.

23
24 **Section 8. *Testing for Organ Donation***. – Lawful consent to HBV and HCV testing of
25 a donated human body, organ, tissue, or blood shall be considered as having been given
26 when:

- 27 a) A person volunteers or freely agrees to donate one's blood, organ, or tissue for
28 transfusion, transplantation, or research; and
- 29 b) A legacy and a donation are executed in accordance with Sections 3 and 4
30 respectively, of Republic Act No. 7170 otherwise known as the Organ Donation
31 Act of 1991.

1 *Section 9: Hepatitis Testing Among Individuals with Clinical Justification for*
2 *Testing* – Hepatitis testing shall be highly encouraged among individuals who, based on a
3 reasonable assessment of a physician, shall benefit from the conduct of said testing.
4 *Provided* that, voluntary consent must be obtained prior to such testing, adequate
5 counselling must be provided, and that any individual who refuses to undergo such testing
6 shall not be subjected to discriminatory acts as defined in Section 12.

7
8 *Section 10. Prevention, Detection, and Management of Blood Borne Hepatitis in*
9 *Workplace Settings with High-Risk of Transmission* – In institutions or workplace
10 settings with high-risk of transmission like hospitals, health facilities, diagnostic clinics,
11 blood donation centers, among others, measures to interrupt transmission of blood
12 borne viral hepatitis from health provider to patient and vice versa shall be adopted,
13 including but not limited to:

- 14 (a) Routine surveillance of personnel performing exposure prone procedures and
15 provision of support and access to treatment for those with positive results;
- 16 (b) Hepatitis B vaccination for all personnel if they have no documented evidence of
17 pre-existing immunity;
- 18 (c) Strict adherence and practice of universal precautions and provision of personal
19 protective equipment for workers whose work entails exposure to blood and other
20 body fluids;
- 21 (d) Provision and maintenance of adequate hygiene facilities and mechanisms to
22 ensure proper disposal of infectious and potentially contaminated materials;
- 23 (e) Development of protocols for the management of health workers exposed to
24 agents contaminated with blood borne infectious diseases in all health care and
25 health care-related institutions and facilities;
- 26 (f) Education and training on the prevention transmission of blood borne hepatitis
27 and other infectious diseases in the workplace;
- 28 (g) Development of a protocol for the confidential management of restrictions on
29 the conduct of EPPs and reasonable reassignment of personnel with restrictions
30 to conduct EPP to other work assignments based on the person's clinical status
31 and based on best available scientific evidence.

1 **Section 11. Regulation of Hepatitis Testing Services.** – To ensure access to voluntary
2 and confidential hepatitis testing, the DOH shall:

- 3 a. Regulate public and private facilities that conduct hepatitis testing services.
4 *Provided, that* only DOH-accredited hepatitis testing facilities shall be allowed to
5 conduct such testing;
- 6 b. Develop the guidelines for voluntary and confidential hepatitis testing including
7 protocols for counselling and referral to health providers for further evaluation
8 and management;

9
10 **Section 12. Discriminatory Acts** – The following discriminatory acts and practices shall
11 be prohibited:

- 12 a. Discrimination in any form, from pre-employment to post-employment, including
13 hiring, assignment, promotion, based on the actual or perceived HBV or HCV
14 status of an individual, non-disclosure of one's own or another person's HBV and
15 HCV status, or refusal to undergo hepatitis testing;
- 16 b. Termination from work on the sole basis of actual, perceived, or suspected HBV
17 or HCV, non-disclosure of one's own or another person's HBV and HCV status,
18 or refusal to undergo hepatitis testing;
- 19 c. Refusal of admission, expulsion, segregation, imposition of harsher disciplinary
20 actions, or denial of benefits or services of a student or a prospective student
21 solely or partially on the basis of actual, perceived or suspected HBV or HCV,
22 non-disclosure of said status, or refusal to undergo hepatitis testing;
- 23 d. Exclusion from health, accident, or life insurance, credit and loan services,
24 including the extension of such loan or insurance facilities, of an individual solely
25 or partially on the basis of actual, perceived, or suspected HBV and HCV status:
26 *Provided, That* the person with positive HBV and HCV has not misrepresented the
27 fact to the insurance company or loan or credit service provider upon application;
- 28 e. Denial of or provision of subpar health services or being charged with a higher
29 fee, on the basis of actual, perceived or suspected HBV or HCV status, non-
30 disclosure of said status, or refusal to undergo hepatitis testing;
- 31 f. Denial and deprivation of private health insurance under a Health Maintenance
32 Organization (HMO) and private life insurance coverage under a life insurance
33 company on the basis of the person's HBV and HCV status: *Provided, That* the
34 person with positive HBV and HCV has not misrepresented such fact to the

1 Health Maintenance Organization (HMO) and private life insurance company
2 upon application

3 g. Other similar or analogous discriminatory acts.
4

5 **Section 13: *Protection of Workers with Blood Borne Viral Hepatitis*** – Employers
6 shall adopt all reasonable measures to accommodate workers who are HBV-positive,
7 HCV-positive, or affected by a Hepatitis B or Hepatitis C -related illness who voluntary
8 disclose their status to their employers, including but not limited to flexible leave
9 arrangements, re-scheduling of work hours, and workforce re-integration assistance, and
10 facilitation of access to treatment.
11

12 **Section 14. *Education on Blood Borne Viral Hepatitis*** – The DOH together with
13 other partners in the health sector shall strengthen the nationwide program on prevention
14 of blood borne viral hepatitis by raising awareness on the disease and disease prevention,
15 promoting universal coverage of Hepatitis B vaccination, and advocating for voluntary
16 hepatitis testing in the general population.
17

18 **Section 15. *Penalties*** – Violations of any provision of this Act including, but not limited
19 to, those related to the non-compulsory nature of Hepatitis B and C testing,
20 discrimination in the workplace and confidentiality, shall be punished with imprisonment
21 of not less than six (6) months but not greater than four (4) years, and a fine not
22 exceeding Fifty Thousand pesos (P50,000.00). In addition, the licenses or permits of
23 establishments, companies and other institutions found guilty of committing the
24 discriminatory acts and policies described in this Act, shall be revoked.
25

26 **Section 16. *Implementing Rules & Regulations*** – The DOH and DOLE, in
27 coordination with other relevant government agencies and private organizations and non-
28 governmental organizations shall issue the Implementing Rules & Regulations necessary
29 for the effective implementation of this Act within ninety (90) days from the effectivity
30 thereof.

31 **Section 17. *Appropriations*** – The amounts necessary for the initial implementation of
32 the provisions of this Act shall be charged against the current year's appropriations of the
33 DOH. Thereafter, the expenses for its continued implementation shall be included in the
34 General Appropriations Act from funds appropriated to the DOH.

1 Section 18. *Separability Clause* – If any provision of this Act is declared
2 unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions
3 not affected thereby shall continue to be in full force and effect.

4 Section 19. *Repealing Clause* – All laws, decrees, executive orders, department or
5 memorandum orders and other administrative issuances, or parts thereof, which are
6 inconsistent with the provisions of this Act are hereby modified, superseded or repealed
7 accordingly.

8 Section 20. *Effectivity* – This Act shall take effect fifteen (15) days after publication in
9 the Official Gazette or in at least two (2) newspapers of general circulation.

10 **APPROVED,**