


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

7 JUL 18 1976

SENATE  
S. B. No. 1285

RECEIVED BY: 

---

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  
*fldk*


---

\* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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

7 JUN 18 2010

SENATE  
S. B. No. 1285

RECEIVED BY: 

---

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

4 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*  
5 *assembled.*

6 SECTION 1. *Short Title.* – This Act shall be known as the “Patient’s Right to Know  
7 Act.”

8 SECTION 2. *Definitions of Terms.* – For the purposes of this Act, the term:

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

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

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

1 (D) “Medical communication” means any communication made by a health care  
2 provider with a patient of the health care provider or the guardian or legal  
3 representative of such patient with respect to –

4 (1) The patient’s health status, medical care, or legal treatment options;

5 (2) Any utilization review requirements that may affect treatment options for the  
6 patient; or

7 (3) Any financial incentives that may affect the treatment of the patient.

8 The term does not include a communication by a health care provider with a  
9 patient of the health care provider or the guardian or legal representative of such  
10 patient if the communication involves a knowing or willful misrepresentation by such  
11 provider.

12 SECTION 3. *Prohibition of Interference with Certain Medical Communications.* –

13 (A) *Prohibition.* –

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

20 (2) *Nullification.* – Any contract provision or agreement described in paragraph  
21 (1) shall be null and void.

22 (3) *Prohibition on Provisions.* – Effective on the date described in Section 7, a  
23 contract or agreement described in paragraph (1) shall not include a provision that  
24 violates paragraph (1).

25 (B) *Rules of Construction.* – Nothing in this Act shall be construed –

26 (1) To prohibit the enforcement, as part of a contract or agreement to which a  
27 health care provider is a party, of any mutually agreed upon terms and conditions,  
28 including terms and conditions requiring a health care provider to participate in, and

1 cooperate with, all programs, policies, and procedures developed or operated by a health  
2 plan to assure, review, or improve the quality and effective utilization of health care  
3 services, if such utilization is according to the guidelines or protocols that are based on  
4 clinical or scientific evidence and the professional judgment of the provide, but only if  
5 the guidelines or protocols under such utilization do not prohibit or restrict medical  
6 communications between providers and their patients; or

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

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

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

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

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

21 Approved,