

SENATE

S. No. 2136

Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

Health is a fundamental human right. As such, it is the obligation of society to make it possible for the individual to attain a level of health consistent with the resources of the community in which he/she lives. With this, the individual living in a society has a right to expect the provision of measures directed towards public health as well as more specific services and facilities for those afflicted with illnesses and diseases.

The physician is a professional whose primary purpose is to cure the sick and alleviate suffering. It is through him/her that the more complicated disorders of health can be attended to and services rendered towards their remedy. The physician belongs to a profession with a long and noble tradition directed to healing the infirm through a compassionate concern for fellow men. In the pursuit of his/her medical profession, the physician's principal objective is the health of the patient under his/her care. Moreover, the physician has the duty to respect the dignity and individuality of his/her patient as a human being, regardless of stage of development, status in life, religious or political beliefs, racial background or other circumstances.

The basis for the physician's ethical compliance is the Code of Ethics of the Medical Profession which was established by the community of physicians among whom he/she practices.

Because of the significant importance and responsibility that goes with the practice of the medical profession, there is an urgent need to institutionalize an integrated medical professional organization which shall ensure the high standard in the practice of the medical profession in the country. The government needs to institutionalize a mechanism that will promote the highest levels of medical knowledge and skills through continuing education and research, and to promote the healing ministrations of the physician in the delivery of quality health care of patients.

At present, there exists the Philippine Medical Association, Inc. (PMA) as an organization of doctors licensed to practice medicine in the Philippines. The PMA is the umbrella organization of the medical profession of the country. It was founded on September 15, 1903, at a time when the country was under the American rule.

The PMA brings together the entire medical profession under one roof to serve as an authoritative source of information of health, disease and medical practice. It is responsible for the sustained excellent quality healthcare delivery through its continuing medical education, formulation of clinical practices, guidelines, directly or through the special societies. It polices its own ranks through the rigid Code of Ethics of the Medical Profession.

Membership in the Philippine Medical Association is coursed through the Component Society, which is the basic unit of the Association. There are presently 117 Component Societies equitably distributed in all regions of the country. All provinces and cities in the Philippines have component societies, more popularly known as medical societies. A group of these medical societies form a region or regional council. For the benefit of its members, the PMA and its specialty societies conduct periodic seminars, workshops and conventions educating its members on the latest medical technology and medicine. Its specialty societies determine who are the specialists in several fields of medicine.

To date, there is no other medical organization that possesses the breadth, composition, membership and nationwide coverage of the PMA. In almost all matters affecting health or the medical profession, the government seeks the advice of the PMA.

As such, this proposed measure puts the PMA as a partner of the Government in the improvement of the health care delivery system. This measure seeks to institutionalize a mechanism to regulate and rid the medical profession of so called misfits found to be negligent in their medical practice. This bill seeks to institutionalize the Philippine Medical Association as the integrated professional medical organization in the country where all physicians wanting to practice medicine will be required to become members of the PMA. With the passage of this measure, the medical profession, just like the legal profession, will be integrated into one (1) accredited organization, to be known as the Philippine Medical Association (PMA).

If the bill is passed into law, we will be creating a professional medical organization already in place without the government spending a single centavo, that can serve as an extension of the government in regulating the medical profession, maintaining the high standards and the ethical conduct of the medical profession and help in the continued delivery of quality health care.

It is an established fact that the negligent acts of some doctors have led to a spate of incidents wherein patients either died, were maimed, scarred or suffered physical injuries. In cases of malpractice in the medical profession, this proposed measure seeks to provide the patient with the option to file a case in the duly constituted integrated Professional Medical Organization. An aggrieved patient may now seek for the revocation of the membership of the doctor from the integrated professional medical organization.

In view of the foregoing, the early passage of this law is earnestly sought.



MANUEL "LITO" M. LAPID
Senator

SENATE

S. No. 2136

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AN ACT
ESTABLISHING AN INTEGRATED MEDICAL PROFESSIONAL
ORGANIZATION IN THE PHILIPPINES AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. - This Act shall be known as the ***"Integrated Medical Professional Organization Act of 2010"***.

SEC. 2. Declaration of Policy. - It is the policy of the State to promote the right to health and ensure the high standard in the practice of the medical profession in the country in order to promote the universal call of *"Health For All"*. In this light, the State shall institutionalize an Integrated Medical Professional Organization which shall be established to promote the common goal of acquiring the highest levels of medical knowledge and skills through continuing education and research, and to promote the healing ministrations of the physician in the delivery of quality health care of patients.

Towards this end, the State shall provide the mechanisms to maintain, update, and improve the scientific knowledge, technical skill, competence, and patient relationship of every physician practicing in the Philippines thereby upgrading the profession, with the purpose of better health care delivery to our people.

SEC. 3. Establishment of an Integrated Medical Professional Organization. - There is hereby established an Integrated Medical Professional organization in the Philippines, constituted into a body corporate, by the name, style and title of *"Philippine Medical Association (PMA)"*, with principal office in the Metro Manila area.

SEC. 4. Purpose and Objectives. - The Integrated Medical Professional Organization in the Philippines shall be instituted to serve the following objectives and purposes, namely:

- a) to elevate the standards of health service delivery in the medical profession in the country;
- b) to promote the implementation of the Generics law for the benefit of the poor patients in the country;
- c) to improve the administration of medicine and enable the health providers to discharge their responsibilities effectively;
- d) to foster and maintain high ideals of integrity, learning, professional competence, medical practice and conduct in the practice of the medical profession;
- e) to provide forum and avenue for discussion of medicine, new medical techniques and equipments, prevention and cure of diseases, and the relation of its members to the general public;
- f) to promote a continuing program of medical research, and disseminate the same through information, education and communication (IEC) campaigns;
- g) to bring together and unite the entire medical profession of the Philippines;
- h) to extend medical knowledge and advance medical science;
- i) to serve as an authoritative source of information regarding health, disease and medical practice; and
- j) to promote the practice of medicine in the context of Philippine life and culture.

SEC. 5. Powers and Functions. - The Philippine Medical Association shall have perpetual succession and shall have all legal powers appertaining to a juridical person, particularly the following power:

- a) to sue and be sued;
- b) to contract and be contracted with;
- c) to hold real and personal property as may be necessary for corporate purposes;
- d) to mortgage, lease, sell, transfer, convey and otherwise dispose of the same;
- e) to solicit and receive public and private donations and contributions;
- f) to accept and receive real and personal property by gift, devise or bequest;

- g) to levy and collect membership dues and special assessments from its members;
- h) to adopt a seal and to alter the same at pleasure;
- i) to have offices and conduct its affairs in the Metro Manila area and elsewhere;
- j) to make and adopt by-laws, rules and regulations not inconsistent with the laws of the Philippines; and
- k) to do all such acts and things as may be necessary or proper to carry into effect and promote the purposes for which it was organized.

The seal and emblem of the Philippine Medical Association shall be kept in its national office.

SEC. 6. *Membership.* - All physicians duly registered by the Professional Regulation Commission (PRC) shall become members of the Philippine Medical Association (PMA). Membership in good standing of the PMA shall be a condition precedent for his/her renewal of license and for the continuous practice of medicine.

Every member who has paid all membership dues and all authorized special assessments, and who is not under suspension from the practice of the medical profession or from membership privileges, is a member of good standing. Membership in the Philippine Medical Association shall be coursed through the component societies.

Admission of new members to the PMA shall be in accordance with the following procedure:

- 1) Application in writing to a component medical society, with an accompanying personal data sheet of applicant;
- 2) Acceptance of application by the component medical society;
- 3) Payment of component and PMA dues;
- 4) Endorsement of application and transmittal of dues by the component society to the PMA;
- 5) Notification of acceptance of applicant's membership sent to the component society and to the applicant by the PMA Secretariat; and
- 6) Inclusion of the new member in the official roster of PMA members.

SEC. 7. *Organization.* - The organizational structure of the Philippine Medical Association, Inc., including the specialty divisions, specialty and sub-specialty societies and the component medical societies and as a non-stock, non-profit corporation duly registered with the Securities and Exchange Commission shall be retained.

SEC. 8. Board of Governors. - There is hereby established a Board of Governors of the PMA which shall exercise the corporate powers of the Association. It shall be composed of the President, the Vice-President, the National Treasurer, and one Governor for each of the regions of the Association who shall be elected by the entire membership. The Secretary-General of the PMA shall be a non-voting member of the Board.

Additional officers may be appointed by the Board of Governors upon the recommendation of the President, but shall not have the right to vote.

SEC. 9. Tenure of Office. - A Governor shall hold office for a term of one (1) year or until his/her successor shall have been duly elected and qualified, or appointed by the Board of Governors. He/She may be re-elected to the same office in the Board for not more than once.

SEC. 10. Removal from Office. - The officers and members of the Board may be removed from the office for culpable violation of its By-Laws by a two-thirds vote of the Board in two (2) successive meetings and duly ratified by the General Assembly.

SEC. 11. Functions of the Board of Governors. - The Board of Governors shall have the following functions:

- a) To approve the program of activities of the PMA;
- b) To confirm the appointments made by the President, as provided for in its By-Laws;
- c) To fill vacancies in the Board: *Provided*, That the nominees or appointees shall be from the same regions as those of the members to be replaced: *Provided, further*, That the replacements occupy the positions only for the remainder of the unexpired term;
- d) To appoint a Committee to undertake the preparation of the Annual General Membership Assembly;
- e) To approve the proposed annual budget of the PMA and to present the same to the General Assembly; and
- f) To amend, alter, or change the rules and codes of the PMA, as provided for under this Act.

SEC. 12. General Assembly. - The General Assembly of the PMA shall discharge the powers and functions of the members of the Association in all instances where the vote, action, or ratification by the members may be exercised by a representative body, as provided for by law.

SEC. 13. *Composition of the General Assembly.* - The general Assembly shall be composed of the officers and members of the Board of Governors and the representatives of component medical societies and one (1) representative each for the specialty divisions.

SEC. 14. *Date of General Assembly.* - The General Assembly shall convene on any day during the annual convention, which shall be held in the month of May of each year.

SEC. 15. *Functions of the General Assembly.* - The functions of the General Assembly are the following:

- a) To ratify amendments to its Constitution and its By-Laws, as approved by a two-thirds (2/3) vote of the Board and ratified by a two-thirds (2/3) vote of the majority of the general membership of the Association;
- b) To review and ratify the proposed annual budget of the PMA, as recommended by the Board;
- c) To review the acts and ratify the resolutions of the national officers and the Board;
- d) To decide on the site and the dates of the succeeding convention; and
- e) To act as representative body of the Association.

SEC. 16. *Quorum.* - The presence of a majority of the members of the General Assembly shall constitute a quorum.

SEC. 17. *Plenary Sessions.* - The Annual Convention of the PMA shall include plenary sessions on matters of general interest to the membership, as well as scientific sessions for professional growth. Members shall be enjoined to attend the convention as well as the plenary and scientific sessions.

SEC. 18. *Sources of Funds.* - The funds of the Philippine Medical Association shall be derived from dues and assessments, donations, bequests, contributions of members, affiliation fees, as well as income from conventions, investments and projects of the PMA, and income-generating facilities of the Association.

The funds of the PMA shall be deposited in banks as designated by the board from time to time, or may be invested as approved by the Board.

SEC. 19. *Non-Political Nature.* - The PMA is strictly non-political, and every

activity tending to impair this basic feature is strictly prohibited and shall be penalized accordingly. No medical practitioner holding an elective or appointed position in the Government or any political subdivision or instrumentality thereof shall be eligible for election or appointment to any position in the PMA or any chapter thereof.

SEC. 20. *Positions Honorary.* - Except as maybe specially authorized by existing laws, no national or local officer shall receive any compensation, allowance, or emolument from the funds of the PMA for any services rendered therein, or be entitled to reimbursement for any expense incurred in the discharge of his/her functions.

SEC. 21. *Chapters.* - A chapter of the Philippine Medical Association (PMA) shall be organized in every province, within two (2) years upon the effectivity of this Act.

The Board shall coordinate and supervise the activities of all Chapters for purposes of promoting maximum doctor participation.

SEC. 22. *Establishment of a Code for Continuing Medical Education.* - It shall be the inherent responsibility of the Philippine Medical Association, as the integrated medical professional organization of physicians, to make continuing medical education available to its members of the medical profession.

As such, within ninety (90) days from the effectivity of the Implementing Rules and Regulations (IRR) of this Act, the PMA shall formulate a Code for Continuing Medical Education (CME) which shall be founded on the principle that the practice of medicine is a lifelong study and that the physician owes it to himself/herself and to his/her patients to continue studying Medicine during his/her entire professional life. This requirement is founded on the fact that medicine is a changing science. Therefore, the physician has the obligation to update his/her knowledge and practice so that he/she can provide medical service and care current to the times and consonant with his/her type of practice and the community he/she serves.

The CME shall include group activities such as: scientific session, assemblies, postgraduate courses, workshops, symposia, panel discussions, poster sessions, medico-legal presentations, wet clinics, symposia and others as may be determined by PMA.

For individual learning effort, the CME shall include: distant study courses, reading of medical journals, research reports and other scientific literature with accomplishment of required questionnaire, audio-visual lectures and others as may determined by the PMA.

For this purpose, the PMA shall grant individual accreditation to lecturers and researchers and others who have taken part in the delivery of Continuing Medical

Education services, as provided for under this Act.

In order to enable PMA members to fulfill their obligations under the Continuing Medical Education program, as provided for in this Act, and at the same time comply with the Professional Regulatory Commission (PRC) requirements on Continuing Professional Education (CPE) for physicians, the PMA shall adopt a valuation of CPE units given each of the CPE activities and the valuation of individual Government CPE credit earnings as PMA Continuing Medical Education (CME) units accredited and earned under this Act.

SEC. 23. *Complaints.* - The Philippine Medical Association shall hear complaints against its members. The Philippine Medical Association shall prescribe its rules and regulations to govern the conduct of its proceedings and the rules of its procedures. The rules shall be liberally construed and the technical rules of procedure on evidence shall not be strictly applied.

SEC. 24. *Grounds.* - A person may file a verified complaint before the Philippine Medical Association against a PMA member based on the following grounds:

- a) gross negligence, ignorance or incompetence in the practice of his/her profession resulting in death or physical injury to a person;
- b) conviction by a court of competent jurisdiction of any criminal offense involving moral turpitude;
- c) insanity;
- d) fraud in the acquisition of the certificate of registration, and professional license or renewal thereof;
- e) addiction to alcoholic beverages or to any habit-forming drug rendering him/her incompetent to practice his/her profession;
- f) extravagant or unethical advertisement;
- g) performing or aiding in any criminal abortion;
- h) knowingly issuing any false medical certificate;
- i) aiding or acting as a dummy of unqualified or unregistered person to practice medicine; and
- j) violation of the Code of Ethics of the PMA

SEC. 25. *Penalties.* - The Philippine Medical Association may impose penalties of reprimand, suspension or expulsion. All cases filed or pending under this Act shall not be discussed or taken in any forum until after the same have been decided with finality.

SEC. 26. Oversight Powers of the Department of Health. - The Department of Health (DOH) shall have oversight powers as to the implementation of the provisions of this Act and the conduct of the Philippine Medical Association in the performance of its functions, as provided under this Act.

SEC. 27. Implementing Rules and Regulation (IRR). - The Department of Health, in consultation with the Philippine Medical Association, shall promulgate the implementing rules and regulations of this Act within 90 days after its enactment.

SEC. 28. Repealing Clause. - All laws, decrees, executive orders, rules and regulations or parts thereof not consistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 29. Separability Clause. -If any provision or part of this Act, or the application thereof to any person or circumstance, is held unconstitutional or invalid, the remainder of this Act shall not be affected thereby.

SEC. 30. Effectivity Clause. - This Act shall take effect fifteen (15) days from the date of its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,