


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



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SENATE

S. B. No. 2876

RECEIVED BY: 

INTRODUCED BY SENATOR ALAN PETER "COMPAÑERO" S. CAYETANO

EXPLANATORY NOTE

Time and again, we hear of sad stories of patients who lose their life savings due to illnesses and diseases. By the same token, there are also many who braved long queues in the offices of politicians, the Department of Social Welfare and Development, and other charitable institutions in order to beg for needed funds to cover for their hospitalization expenses. Those who fail to secure such funds only pray for a miracle to happen.

Section 11, Article 13 of the 1987 Constitution provides that, "the State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. Priority for the needs of the underprivileged, sick, elderly, disabled, women and other children shall be recognized. Likewise, it shall be the policy of the State to provide free medical care to paupers." It is the avowed mandate of the State to provide health services especially to the needy, the indigents who can ill afford their hospitalization expenses.

This bill provides for the creation of an indigent medical fund to be administered by the Department of Health to pay for the medical expenses of indigent patients in public hospitals, which the latter could not afford. To augment such indigent medical fund, local government units are authorized to supplement the fund even as it encourages private individuals to donate to such fund.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


SENATOR ALAN PETER "COMPAÑERO" S. CAYETANO

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AN ACT
PROVIDING FOR AN INDIGENTS MEDICAL ASSISTANCE FUND IN EVERY REGIONAL OFFICE OF THE DEPARTMENT OF HEALTH FOR THE BENEFIT OF INDIGENT PATIENTS IN PUBLIC HOSPITALS

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

Section 1. Title. This Act shall be known as the "Indigents Medical Assistance Fund Act of 2011"

Section 2. Declaration of Policy.- Pursuant to the Constitutional mandate under Section 15, Article II to protect and promote the right to health of the people and to instill health consciousness among them, it is hereby declared a policy of the State to provide for a fund for indigent patients to cover their medical expenses in public hospitals.

Section 3. Definition of Terms. - For purposes of this Act, the following shall mean:

- (a) Indigents - shall mean those patients in public hospitals who have no income or property sufficient and available to cover their hospitalization expenses, including professional fees and medicines.
- (b) Regional Office - shall mean the regional office of the Department of Health
- (c) Public Hospital - shall mean such hospitals, special hospitals, medical centers and institutes for disease prevention and control, which are administered and managed by the DOH, State Universities and Colleges and the different local government units.

Section 4. Indigents Medical Fund.- The amount of at least ONE BILLION PESOS (PhP 1,000,000,000.00) is hereby set aside annually to finance the Indigents Medical Fund. The said fund shall be administered by the Department of Health (DOH) and equitably distributed among each of its Regional Offices and DOH-managed Hospitals, Special Hospitals, Medical Centers and Institutes for Disease Prevention and Control.

Section 5. Beneficiaries and Benefits Package. - The Fund mentioned in the preceding section shall be used for the sole benefit of indigent patients in public hospitals and shall broadly cover hospitalization expenses, including professional fees and medicines, of the said patients, subject to the limitations specified in this Act or as may be determined by its implementing rules and regulations.

Specifically, the fund shall pay for the following categories of personal health services granted to an indigent patient as medically necessary or appropriate and shall include:

- a) Inpatient hospital care:
 - 1) room and board;
 - 2) services of health care professionals;
 - 3) diagnostic, laboratory, and other medical examination services;
 - 4) use of surgical or medical equipment and facilities;
 - 5) prescription drugs and biologicals; subject to the limitations stated in the implementing rules and regulations of this Act;
 - 6) emergency and transfer services

b) Outpatient care:

- 1) services of health care professionals;
- 2) diagnostic, laboratory, and other medical examination services;
- 3) personal preventive services; and
- 4) prescription drugs and biologicals, subject to the limitations stated in the Implementing rules and regulations of this Act;

Section 6. *Practicable Access to the Fund.* In principle, the Department of Health (DOH), in coordination with the Department of Social Welfare and Development (DSWD), shall ensure the equitable and practicable access to the Fund by providing for a mechanism wherein the indigent patients could benefit from the fund with the least possible requirements and the earliest opportunity.

Towards this end, the Department of Health (DOH), in consultation and proper coordination with the Department of Social Welfare and Development (DSWD), the Department of Interior and Local Government (DILG), and non-governmental organizations and other agencies deemed necessary to consult, shall issue the Implementing Rules and Regulations (IRR) within ninety (90) days after the approval of this Act.

Section 7. *Authority of Local Government Units.* – Notwithstanding any law or executive issuances to the contrary, this Act authorizes all local government units to augment the funding and/or provide any form of support to the Indigents Medical Fund.

Section 8. *Private Sector Donations.* – Exclusively for the purpose of augmenting the Indigents Medical Fund, the DOH is hereby authorized to accept donations subject to auditing procedures of the Commission on Audit.

Donations of real and personal properties of all kinds from private persons shall be exempt from the donor's tax and the same shall be considered as allowable deductions from the gross income of the donor, in accordance with the provisions of the National Internal Revenue Code of 1997, as amended: *Provided*, that the allowable deductions shall be equivalent to 200 percent of the value of such donation.

Section 9. *Separability clause.* - If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

Section 10. *Repealing clause.* - All laws, presidential decrees and executive orders contrary to or inconsistent with this Act are hereby repealed or amended accordingly.

Section 11. *Effectivity.* - This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,