

FOURTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

7 JUL -3 P4:27

SENATE

RECEIVED BY: S. B. No. 857

Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

Our 1987 Constitution provides that "the State shall protect and promote the right to health of the people and instill health consciousness among them." It is in this context that the State is being called upon to adopt comprehensive approaches to health development in order to protect and promote public health and the welfare of its citizens.

Indeed, the right to health is a fundamental right. Moreover, the State has a clear legitimate interest in protecting the health of its citizens. Within this purview, the State has the duty to institute public health measure to ensure and promote public welfare. With respect to public health, the State has in many instances relied upon its inherent power to intervene into the lives of their citizens to promote public health and welfare.

This proposed Mother Screening Program falls directly within the mandate of the State to protect the public health and to promote the right to health of its people, particularly women and children. The social need that prompted the mandatory mother screening is the protection of the public health and safety. In fact, among the leading causes of death among women include infectious diseases and complications of pregnancy and childbirth. After childbirth, a mother is susceptible to health problems and chronic conditions. To prevent this from occurring, a mother should undergo screening tests apart from the post natal check-ups that are required. These tests can greatly help in the prevention of other serious illnesses such as STD, HIV/AIDS, heart diseases and breast cancer.

Almost half of the Philippine population consist mainly of women living below the poverty line. Women have unique health needs and they are affected by a wide variety of conditions and diseases that do not affect men. It is the responsibility of the State to protect the health of its people especially mothers who suffer greatly before, during and after pregnancy. Indeed, this proposed measure will result in early detection of any defect in a mother's health to ensure application of preventive and rehabilitative treatment and hopefully extend and improve the child's quality of life. This legislative enactment, therefore, is being proposed to promote the best interest of the mother and the newborn baby.

Under this proposal, the comprehensive mother screening fee shall be applied, among others, to testing costs, education, sample transport, follow-up and readable overhead expenses. Moreover, the Philippine Health Insurance Corporation (PHIC) is instructed to include the cost of mother screening tests in its benefit package available to its members.

Furthermore, this proposed measure provides that the mother who is given

mother screening tests after childbirth is ensured of the confidentiality of her medical records in order to protect her Constitutional right to privacy. This is being implemented to ensure that the exercise in promoting public health and public welfare is subjected to all other rights guaranteed by our Constitution.

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


A handwritten signature in black ink, consisting of a large, stylized loop followed by a smaller loop and a horizontal stroke.

MANUEL "LITO" M. LAPID
ML Senator

FOURTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

7 JUL -3 P4:27

SENATE
S. B. No. 857

RECEIVED BY: 

Introduced by Senator Manuel "Lito" M. Lapid

AN ACT
INSTITUTING A COMPREHENSIVE SCREENING PROGRAM
FOR MOTHERS AFTER CHILDBIRTH 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 "**Mother Screening Act of 2007**".

SEC. 2. Declaration of Policy. - It is the policy of the State to protect and promote the right to health of the people, including the right of mothers to full and healthy development in their maternal and reproductive life.

In the pursuit of such policy, the State shall institutionalize a mother screening program that is comprehensive, integrative and sustainable, and will facilitate the collaboration among government and non-government agencies at the national and local levels, the private sector, families and communities, and professional health organizations. The mother screening program shall ensure that every pregnant mother and mothers after childbirth are given the opportunity to undergo comprehensive tests and screening process in order to ensure better health for the mothers of this country.

SEC. 3. Policy Objectives. - The objectives of the Mother Screening Act are the following:

- 1) To ensure that all mothers will have access to screening tests after childbirth in order to protect their health and detect possible complications after childbirth;

2) To establish and institutionalize a sustainable and effective screening system for mothers after childbirth within the public health delivery system in the country;

3) To ensure that health practitioners are aware of their responsibilities in providing proper medications to mothers after childbirth in the event that an illness is detected after performing such tests; and

4) To ensure that mother after childbirth recognize their responsibilities in nurturing their health, within the context of responsible parenthood, by protecting themselves from illnesses and diseases through mother screening tests.

SEC. 4. *Definition of Terms.* – For purposes of this Act, the following terms shall mean:

1) *Mother Screening Test* – a screening test that includes full check up, including weight and height; collection and screening of blood samples from patient; clinical evaluations and confirmation of test results; medical treatment; surgical management and dietary program.

2) *Health Practitioners* – refer to physicians, nurses, midwives, nursing aides and traditional birth attendants.

3) *Health Institutions* – refer to hospitals, health infirmaries, health centers and lying-in centers.

4) *Treatment* – is the administration or application of remedies to a patient or for a disease or an injury; medicinal or surgical management.

SEC. 5. *Mandatory Screening Test.* – All mothers shall undergo screening tests after the delivery of their newborn. The purpose of which is to detect illnesses and provide proper medication and treatment that might have occurred after childbirth. For purposes of this Act, the Department of Health (DOH), in consultation with the various stakeholders in the health industry, shall determine the extent and coverage of the mother screening tests for purposes of viability, cost-effectiveness and cost-efficiency.

SEC. 6. *Health Provider's Obligation to Inform.* - Any health practitioner who delivers, or assists in the delivery of a newborn in the Philippines shall, prior to delivery, inform the parents or legal guardian of the availability, nature and benefits of the mother screening tests provided for under this Act. For this purpose, it is the duty of the health practitioner to:

a) fully inform the mother of the purpose and need for mother screening, and give the appropriate mother screening educational materials;

- b) ensure that appropriate specimens from the mother are submitted to the testing laboratory within seven (7) days upon giving birth, from whom no specimen has been previously collected;
- c) ensure that specimen collection forms are properly stored and that all information required by the testing laboratory are fully completed;
- d) ensure that repeat specimens are submitted whenever the hospital is notified by the testing laboratory that the initial specimen was unsatisfactory or that an additional specimen is otherwise required;
- e) conform with the specimen collection and submission procedures specified by the DOH;
- f) include in the mother's health record the test results received from the testing laboratory;
- g) provide case information, specimens and other information tracking and follow-up reviews requested by the testing laboratory;
- h) provide or arrange for post-test counseling for the mother; and
- i) provide the mother with referrals for health and social services as needed.

The appropriate information, education and communication (IEC) campaign for this purpose shall be the responsibility of the DOH.

SEC. 7. Refusal to be Tested. – A parent or legal guardian may refuse the availment of the mother screening but shall acknowledge in writing their refusal to avail of the mother screening tests. A copy of this refusal document shall be made part of the mother's medical record.

SEC. 8. Continuing Education, Re-education and Training of Health Personnel. – The DOH, with the assistance of the National Institute of Health (NIH) and other government agencies, professional societies and non-government organizations, shall:

- a) conduct continuing information, education, re-education and training programs for health personnel on the rationale, benefits, procedures of mother screening tests, as provided for under this Act; and
- b) disseminate information materials on the screening procedures for mothers after childbirth to all health personnel involved in the delivery of childbirth.

SEC. 9. Lead Agency. – The DOH shall be the lead agency in implementing the provisions of this Act. For purposes of achieving the objectives of this Act, the DOH shall:

- 1) Establish an Advisory Committee on Mother Screening;
- 2) Draft the implementing rules and regulations for the immediate implementation of a nationwide mother screening program within six (6) months from the date of effectivity of this Act; and
- 3) Coordinate with various agencies of the government for the implementation of the mother screening program.

SEC. 10. *Mother Screening Fees.* – The Philippine Health Insurance Corporation (PHIC) shall include the cost of mother screening as one of the available benefits to its members. The comprehensive mother screening fee shall be applied to, among others, testing costs, education, sample transport, follow-up and readable overhead expenses.

SEC. 11. *Mother Screening Reference Center.* - There is hereby established and created in the National Institute of Health (NIH) an office to be known as the NIH Mother Screening Reference which shall be responsible for drafting and ensuring good laboratory practice and standards for mother screening, including establishing an external laboratory proficiency testing and certification program. The NIH Mother Screening Reference Center shall also act as the principal repository of technical information relating to mother screening procedures, guidelines and standards and other related information.

SEC. 12. *Confidentiality of Medical Information of the Mother.* - To ensure that the mother screening is implemented subject to all other rights guaranteed by the Constitution, the Department of Health (DOH), in consultation with the Department of Justice (DOJ), shall formulate the pertinent implementing rules and regulations to ensure the confidentiality of the medical records of the mother and protect the unwarranted intrusion into the privacy of the patient, particularly in relation to the medical condition of the patient.

SEC. 13. *Appropriation.* – The amount necessary to carry out the provisions of this Act shall be included and incorporated in the annual general appropriations of the Department of Health (DOH) and the National Institute of Health (NIH).

SEC. 14. *Implementing Rules and Regulations (IRR).* – The Department of Health (DOH), in coordination with the National Institute of Health (NIH), shall promulgate the rules and regulations necessary to implement the provisions of this Act, within six (6) months from the date of effectivity herein.

SEC. 15. *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. 16. *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. 17. *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) newspapers of general circulation.

Approved,