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SENATE

S. No. 40

RECEIVED BY: 

Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

Autism is a state of mental health that severely hinders the way information is gathered and processed by the brain, causing problems in communication, learning and social behavior of the person. It typically appears during the child's first three years, occurs in roughly 15 to 20 of every 10,000 births and is four times more common in males than females. Autism has been found throughout the world in families of all racial, ethnic and social backgrounds. The symptoms of autism generally appear during the first three years of childhood and continue throughout life, often taking devastating emotional and financial tolls on the family of the autistic child.

There are three (3) distinctive behaviors that characterize autism. Autistic children have difficulties with social interaction, problems with verbal and nonverbal communication, and repetitive behaviors or narrow, obsessive interests. These behaviors can range in impact from mild to disabling. Parents are usually the first to notice symptoms of autism in their child. As early as infancy, a baby with autism may be unresponsive to people or focus intently on one item to the exclusion of others for long periods of time.

Although no one specific cause of autism is known, current researches link autism to biological or neurological differences in the brain. In some families there appears to be a pattern of autism or related disabilities which suggest there may be genetic basis to the disorder, although at this time no one gene has been directly linked to autism. Children with autism may fail to respond to their name and often avoid eye contact with other people. They have difficulty interpreting what others are thinking or feeling because they can't understand social cues, such as tone of voice or facial expressions, and don't watch other people's faces for clues about appropriate behavior. They lack empathy.

Best estimates indicate that 1 out of every 500 children born in the country are diagnosed with an autism spectrum disorder. Other experts estimate that 3 to 6 children out of every 1,000 will have autism. In the U.S., as many as 1.5 million Americans - children and adults - are estimated to have autism today. In the Philippines, it is estimated that 1 out of every 500 Filipinos are autistic or approximately 176,000 Filipinos of the 88 million total population. For reasons that are still unclear, about 20 to 30 percent of children with autism develop epilepsy by the time they reach adulthood. Recent studies further strongly suggest that some people have a genetic predisposition to autism. In families with one autistic child, the risk of having a second child with the disorder is approximately 5 percent, or one in 20.

Autism is a developmental disability that has yet to be fully known and understood in the Philippines. And because of the lack of educational and financial

support, it is only the upper and middle class families who can afford to send their autistic children to special schools. Undeniably, addressing the needs of more the 176,000 autistic individuals in our country would require a comprehensive legislative framework and integrated operational plan for autism. Currently, there is no national data tracking system that caters to the state of autism in the country. A registry for autism is needed to improve current knowledge and understanding of autism, to conduct thorough and complete epidemiologic surveys of the issue, to enable analysis of this problem and to plan for and provide services to children with autism and their families.

Furthermore, there is also a phenomenon of lack of trained and highly skilled teachers and health providers workers who are well trained to handle and cater to the special needs of children and adults with autism. These considerations reflect the urgent need to conduct a comprehensive training program for the health providers all over the country in order to help these autistics to become productive members of our society.

This proposed measure seeks to increase public awareness about this mental state of being and provide enhanced government support for autism research and treatment. By creating a national education program for health providers about autism, it is hoped that this proposed measure will help more people recognize the symptoms of autism. This will lead to early identification and intervention, which is critical for children with autism. It is hoped that this measure will serve as an important foundation for our Nation's efforts to find a holistic intervention for autism.

This bill has sketched the roadmap for our government's program on autism. As such, the passage of this significant piece of legislation reflects the commitment of the State to support the cause to prevent and address the needs of our population with autism. By passing this landmark piece of legislation, our government recognizes the daily plight of our thousands of families struggling every day with autism, and has once and for all acknowledged autism as a health issue in the country. The impact of having a developmental disability is immense for the Filipino families affected. It is important that we treat autism as a condition of urgent public health concern and begin intervention as early as possible in order to enable all children to reach their full potential.

The well-being of our children is of paramount importance that is why we need to open our eyes to the realities of the problems faced by persons with autism.

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



MANUEL "LITO" M. LAPID
Senator

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Introduced by Senator Manuel "Lito" M. Lapid

AN ACT
INSTITUTING A NATIONAL COMPREHENSIVE PROGRAM ON
AUTISM 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 "**Comprehensive Autism Intervention Act of 2010**".

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State to protect and promote the right to health of the people, including the rights of persons with autism to full, healthy and holistic development and the right to self-determination. As such, the State shall promote an environment conducive to the development of autistic persons to become, to the best of their potentials, independent, self-reliant and productive members of society.

Towards this end, the State commits itself to the establishment of institutional and social mechanisms to support children and adult persons with autism and their families.

In this light, the State shall institutionalize a holistic program for persons with autism in the country that will be sensitive to the needs of persons with autism for purposes of empowering and providing them quality of life.

SEC. 3. Definition of Terms. - For purposes of this Act, the term below shall be construed to mean, except where explicitly indicated or where the text clearly indicates otherwise, as follows:

Autism - is a state of mental health that severely hinders the way information is gathered and processed by the brain, causing problems in communication, learning and

social behavior. It typically appears during the child's first three years, occurs in roughly 15 to 20 of every 10,000 childbirths and is four times more common in males than females.

SEC. 4. *Epidemiological Surveillance Programs.* - The National Institute of Health (NIH) is hereby mandated to conduct an annual epidemiological survey program to determine the extent and total incidence and prevalence of persons with autism in the country in order for the government to provide the necessary and appropriate interventions to address the needs faced by persons with autism.

The NIH is mandated to coordinate with the Department of Health (DOH) in the conduct of epidemiological research on the the issues concernig autism. The NIH is mandated to strengthen its research focus concerning autism, including a renewed investment into basic and clinical research, expanded research into the link between environmental factors and autism, and continued investigations into causation, diagnosis, early detection and treatment for autism spectrum disorders. Such factors that will be studied shall also include, among others, infection and immune function, hormones and reproductive factors, genetic factors, gastro-intestinal factors, socio-demographic factors, and others.

SEC. 5. *Prevention of Conflict of Interest in the Research Process.* - Within six (6) month from the date of effectivity of this Act, the DOH shall issue the necessary standards, guidelines and regulations in order to ensure that there is no conflict of interest, whatsoever, between the research agenda of the researchers and the drug manufacturers or government agencies promoting the widespread usage of a particular vaccine or medicine for the treatment and rehabilitation of persons with autism.

The DOH shall ensure the timely publication and dissemination of information of these guidelines and regulations in order to ensure that the various health providers and stakeholders all over the country are adequately informed.

SEC. 6. *Creation of an Inter-Agency Autism Coordinating Committee.* - There is hereby established and institutionalized an Inter-Agency Autism Coordinating Committee (IACC) which shall serve as an inter-agency and multi-sectoral mechanism tasked to promote the implementation of the National Autism Program of the government.

The objectives of the Interagency Autism Coordinating Committee shall endeavor to:

- a) to promote public awareness, education and information on issues concerning autism;
- b) to establish *sustainable networks of support group for families of autistic children and adults*;
- c) to provide referral services to patients with autism and identify the appropriate educational and medical expertise and facilities suited to the needs of the autistic person ;
- d) to combat *the spectrum of disorders related to autism through screening, education, early intervention, prompt referrals for treatment and services*;
- e) to undertake research and/or collaborate with other entities on research activities regarding autism in the Philippines;
- f) to coordinate with schools in formulating individualized programs for *autistic school children and young students*;
- g) to receive donations and grants from international donor institutions, foundations, and multilateral and bilateral foreign donor agencies involved in the prevention, cure and rehabilitation of persons with autism;
- h) to promote the advocacy of against theoretical and psychological bias and *stereo-typing against autistics, eliminating discrimination and misconceptions of the notion of being autistic with the end in view of opening the doors of productive economic opportunities to autistic persons*;
- i) to provide the avenue for exchange of information, exchange programs and sharing of best practices on issues relating to the early detection, prevention, cure, *treatment and rehabilitation persons with autism*;
- j) to network with other organizations, *institutions and professionals working for the promotion of legislation and public programs for the persons with autism*; and
- k) to assist in the creation of appropriate programs for autistic individuals.

The long-term goal of the Interagency Autism Coordinating Committee is to set up a nationwide network of centers for autism in key cities and regional centers in the country.

SEC. 7. Composition of the Inter-Agency Autism Coordinating Committee (IACC). - The Inter-Agency Autism Coordinating Committee shall be headed by the Secretary of Department of Health (DOH), acting as the Chairperson. The IACC shall be composed on the following members:

- a) The Secretary of the Department of Social Welfare and Development (DSWD);
- b) The Secretary of the Department of Education (DepEd);

- c) The Chairperson of the Council for the Welfare of Children (CWC);
- d) The Head of the National Institute of Health (NIH);
- e) The Head of the Philippine Information Agency (PIA);
- f) One (1) representative from the duly accredited drug and vaccine manufacturers and distributors;
- g) One (1) representative from the duly accredited association of caregivers in the Philippines;
- h) One (1) representative from the duly accredited association of nurses in the Philippines;
- i) One (1) representative from the duly accredited association of medical doctors in the Philippines; and
- j) One (1) representative from the non-governmental organizations (NGOs) involved in the advocacy for the prevention, cure and rehabilitation of persons with autism.

The five (5) members of the Inter-Agency Autism Coordinating Committee coming from the representatives of the drug and vaccine manufacturers and distributors; caregivers; nurses; medical doctors and non-government organizations shall be appointed by the President of the Philippines, from a list of three (3) nominees from each sector, who shall serve for a term of three (3) years, and renewable for another term: *Provided*, That the person appointed shall be of good moral character, of unquestionable integrity, and with expertise and experience of a least six (6) years in filed of autism, mental health and other related fields: *Provided, further*, That in the event of a vacancy, the successor appointed to fill the same shall serve only the unexpired portion of the term of the member he/she succeeds to.

The members of the IACC from the government agencies and institutions may designate their permanent representatives who shall have a rank not lower than an assistant secretary or its equivalent to attend meetings.

All members of the IACC shall receive emoluments as may be determined by the Committee, in accordance with existing budget and accounting rules and regulations.

SEC. 8. Meetings. – The IACC shall meet at least once a month upon a three-day notice signed by the two (2) Chairpersons or as often as necessary upon the written request signed by two-thirds (2/3) of its members.

The presence of a majority of the members of the IACC shall constitute a quorum in order for it to conduct its business.

SEC. 9. *Programs and Services of the Inter-Agency Autism Coordinating Committee (IACC).* - The programs and services that will be provided by the Inter-Agency Autism Coordinating Committee shall include, among others, the following:

- a) Orientation and Counselling Services for families of newly diagnosed children with autism;
- b) Establishment of Family Support Networks and Sibling Program for families of autistic persons to seek psycho-social support for the various problems faced by families with autistic persons;
- c) Establishment of National and Regional Referral Services wherein the IACC will update a list of professionals and child care institutions concerned with the care and development of persons with autism;
- d) Publication of reading materials, manuals and easily readable instruction materials for autism early detection, prevention, rehabilitation and care;
- e) The conduct of continuing education, information and training programs and lectures on the proper handling of persons with autism;
- f) The establishment of a databank and information and monitoring system (IMS) on the demographic, socio-economic and incidence and prevalence of persons with autism in the country;
- g) The publication of a newsletter on current developments, resources and research on autism; and
- h) The conduct of continuing education/training of families, teachers, therapists and caregivers of persons with autism through seminars, conventions and other forms of tri-media educational tools.

SEC. 10. *Early Identification and Intervention for Children with Autism.*
- The Inter-Agency Autism Coordinating Committee (IACC) is hereby mandated to establish a program for early identification, screening and detection of autism and provide the appropriate services to children and toddlers with developmental delays associated with the mental state of being autistic.

The IACC shall be tasked to monitor and update the list of children with autism in the country in its central registry so that they may be referred in the future programs of the government.

SEC. 11. *Autism Early Detection and Screening Fees.* - The Philippine Health Insurance Corporation (PHIC) shall include the cost of early detection and screening programs as one of the available benefits to its members.

The early detection and screening tests fee shall be applied to, among others, testing costs, education, follow-up and readable overhead expenses. These early detection and screening are designed to identify children who should receive more intensive diagnosis or assessment in order to improve child health and well-being, especially for children with autism.

SEC. 12. *Creation of a National Website for Persons with Autism.* – The IACC is hereby mandated to establish a national website on the National Program for Autism in the Philippines. The website shall highlight the various programs, interventions, services and advocacy channels being provided by the government on the issue concerning autism so that parents and relatives of persons with autism can avail of the information and services being provided by the State.

This website shall contain all the information on the variety of medical, psychological, psycho-social and research interventions available in the Philippines on the issues concerning autism.

The website shall also include information of the various DOH accredited health service providers who can provide therapy and treatment to persons with autism in the country.

The website is envisioned to be an avenue where people can express their views regarding autism and network in order to address the various needs and concerns of autistic persons for the benefit of all the parents and relatives of persons with autism in the country.

It will also be an avenue to clear misconceptions and incorrect information on the mental state of being of autistic persons.

SEC. 13. *Continuing Education and Training of Health Personnel and Service Providers on Autism.* – All DOH, DSWD and CWC officers and staff in-charged with providing various developmental and welfare services to persons with autism are mandated to undergo a mandatory continuing education and training program to sensitize and empower the service providers to become effective frontliners in the delivery of health service delivery to the persons with autism, who are the beneficiaries of this Act.

SEC. 14. *Protection Against Forcible Use of Cures and Vaccines.* – The DOH shall formulate the necessary guidelines, standards and procedures against the forcible use of cures, vaccines and therapies to autistic persons in order to protect the rights of autistics to informed consent and its right to self-determination.

The DOH shall promulgate guidelines and standards to ensure that the

interventions and programs being provided by the government towards autistic persons do not violate their basic Constitutional, Human Rights and inalienable rights towards self-determination and self-development.

SEC. 15. *Protection Against Discrimination in Schools.* - The Department of Education (DepEd), in coordination with the Department of Health (DOH), Department of Social Welfare and Development (DSWD), Council for the Welfare of Children (CWC) and the National Institute for Health (NIH), shall formulate the necessary implementing rules and regulations to ensure that all educational institutions all over the country shall not provide schools policies and regulations that are discriminatory to school children and young students who are autistic.

Towards this end, the DepEd shall conduct an annual education, information and training program for school administrators, faculty and staff in order for our educators to be empowered and effectively handle school children and young students with autism.

SEC. 16. *Non-Discriminaton of Autistic Adults.* – Within six (6) months from the date of effectivity of this Act, the Inter-Agency Autism Coordinating Committee (IACC) shal formulate the necessary guidelines, standards and regulations in order to ensure that adults with autism are not discriminated in the various facets of life by virtue of their mental health.

The IACC shall ensure the timely publication and dissemination of information of these guidelines and regulations in order to ensure that the various stakeholders all over the country in the early detection, prevention, rehabilitation and care of persons with autism are adequately informed.

SEC. 17. *Confidentiality of Medical Information for Persons with Autism.*
- To ensure that the early detection, screening tests, vaccination, medical treatment and rehabilitation of autistic persons 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 persons with autism in order to protect the unwarranted intrusion into the privacy of the person, particularly in relation to the medical condition of the patient.

SEC. 18. *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), Department of Social Welfare and Development (DSWD), National Institute of Health (NIH) and Council for the Welfare of Children (CWC).

SEC. 19. *Implementing Rules and Regulations (IRR).* - Within six (6) months from the date of effectivity of this Act, the DOH, in coordination with the DWSD, CWC, NIH and PIA, shall promulgate necessary implementing rules and regulations to implement the provisions of this Act.

SEC. 20. *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. 21. *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. 22. *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,