

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 338



Introduced by AKBAYAN Representative Tomasito S. Villarín

EXPLANATORY NOTE

Republic Act No. 8344 prohibits hospitals and medical clinics from denying treatment and health services to indigent patients in need of emergency care. While the Philippine Health Insurance Corporation (Philhealth) mandates a "no balance billing" policy to indigents in public health hospitals, private medical facilities were found to have turned away patients on account of the patients' inability to pay for the hospital deposit.

As such, accounts of patients dying because they were turned away by private medical facilities for their failure to pay deposit still increase. Should this practice continue, the trend of seven out of ten Filipinos dying without ever seeing a doctor may still increase. This is compounded by the fact that 50% of barangays in country do not have a barangay health station.

Clearly, this practice must stop. Otherwise, the gains made in providing universal health care to all in the last decade will be reversed.

By increasing the penalties for violation of the Anti-Hospital Deposit Law, expanding the definition of emergency care to include women in active labor and at risk of miscarriage or fetal distress, and providing incentives for health facilities that provide emergency medical services, a framework where preservation of human life is the paramount consideration can be created.

Hence, the passage of this bill is earnestly sought.

A stylized handwritten signature in black ink, consisting of several overlapping loops and lines.

TOMASITO S. VILLARIN

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AN ACT
INCREASING THE PENALTIES FOR THE REFUSAL OF HOSPITALS AND
MEDICAL CLINICS TO ADMINISTER APPROPRIATE INITIAL MEDICAL
TREATMENT AND SUPPORT IN EMERGENCY OR SERIOUS CASES,
AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 702,
OTHERWISE KNOWN AS "AN ACT PROHIBITING THE DEMAND OF
DEPOSITS OR ADVANCE PAYMENTS FOR THE CONFINEMENT OR
TREATMENT OF PATIENTS IN HOSPITALS AND MEDICAL CLINICS IN
CERTAIN CASES" AS AMENDED BY REPUBLIC ACT NO. 8344, AND FOR
OTHER PURPOSES

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

SECTION 1. Section 1 of Batas Pambansa Bilang 702 is hereby amended to read as follows:

"Sec. 1. In emergency or serious cases, it shall be unlawful for any proprietor, president, director, manager or any other officer, and/or medical practitioner or employee of a hospital or medical clinic to request, solicit, demand or accept any deposit or any other form of advance payment as a prerequisite for confinement or medical treatment of a patient in such hospital or medical clinic or to refuse to administer medical treatment and support as dictated by good practice of medicine to prevent death, **MISCARRIAGE**, or permanent disability: Provided, That by reason of inadequacy of the medical capabilities of the hospital or medical clinic, the attending physician may transfer the patient to a facility where the appropriate care can be given, after the patient or his next of kin consents to said transfer and after the receiving hospital or medical clinic agrees to the transfer: Provided, however, That when the patient is unconscious, incapable of giving consent and/or unaccompanied, the physician can transfer the patient even without his consent: Provided, further, That such transfer shall be done only after necessary emergency treatment and support

have been administered to stabilize the patient and after it has been established that such transfer entails less risks than the patient's continued confinement: Provided, further, That no hospital or clinic, after being informed of the medical indications for such transfer, shall refuse to receive the patient nor demand from the patient or his next of kin any deposit or advance payment; Provided, finally, That strict compliance with the foregoing procedure on transfer shall not be construed as a refusal made punishable by this Act."

SECTION 2. Section 2(a) and (b) of Batas Pambansa Bilang 702 is hereby amended to read as follows:

"Sec. 2. For purposes of this Act, the following definitions shall govern:

"(a) 'Emergency' - a condition or state of a patient wherein based on the objective findings of a prudent medical officer on duty for the day there is immediate danger and where delay in initial support and treatment may cause loss of life or cause permanent disability to the patient, **OR IN THE CASE OF A PREGNANT WOMAN, THE LOSS OF HER UNBORN CHILD.**

"(b) 'Serious case' - refers to a condition of a patient characterized by gravity or danger wherein based on the objective findings of a prudent medical officer on duty for the day when left unattended to, may cause loss of life or cause permanent disability to the patient, **OR IN THE CASE OF A PREGNANT WOMAN, CAUSE A MISCARRIAGE.**"

SECTION 3. Section 4 of Batas Pambansa Bilang 702 is hereby amended to read as follows:

"SEC. 4. Any official, medical practitioner or employee of the hospital or medical clinic who violates the provisions of this Act shall, upon conviction by final judgment, be punished by imprisonment of not less than six (6) months and one (1) day but not more than two (2) years and four (4) months, or a fine of not less than Twenty thousand pesos (P20,000.00), but not more than One hundred thousand pesos (P100,000.00) or both, at the discretion of the court: Provided, however, That if such violation was committed pursuant to an established policy of the hospital or clinic or upon instruction of its management, the director or officer of such hospital or clinic responsible for the formulation and implementation of such policy shall, upon conviction by final judgment, suffer imprisonment of four (4) to six (6) years, **AND/or** a fine of not less than **FIVE** hundred thousand pesos (**P500,000.00**), but not more than **ONE MILLION** pesos (**P1,000,000.00**) or both, at the discretion of the court, **WITHOUT PREJUDICE TO DAMAGES THAT MAY BE AWARDED TO THE**

PATIENT-COMPLAINANT. FURTHER, IN THE CASE OF A VIOLATION COMMITTED PURSUANT TO AN ESTABLISHED POLICY OF THE HOSPITAL OR CLINIC OR UPON THE INSTRUCTION OF ITS MANAGEMENT, TWO (2) REPEATED VIOLATIONS WILL LEAD A REVOCATION OF THE HEALTH FACILITY'S LICENSE TO OPERATE BY THE DEPARTMENT OF HEALTH."

SECTION 4. Tax deductions. A separate section will be included in Batas Pambansa Bilang 702, to read as follows:

"The cost of the basic emergency care incurred shall be tax deductible in favor of the said hospital or medical clinic that has given emergency medical services to the poor and indigent patient."

SECTION 5. The Department of Health (DOH) and the Bureau of Internal Revenue (BIR) shall promulgate the necessary rules and regulations to carry out the provisions of this Act.

SECTION 6. Separability Clause. If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SECTION 7. Repealing Clause. All laws, decrees, orders, issuances or portion thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 8. Effectivity. – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,