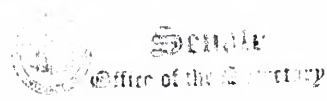



NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



'22 JUL 12 P2 :01

**SENATE**  
S. No. 400

RECEIVED BY: 

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**Introduced by SENATOR FRANCIS "TOL" N. TOLENTINO**

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**AN ACT**  
**INSTITUTIONALIZING A NATIONAL TELEMEDICINE SYSTEM**  
**IN THE PHILIPPINES**

EXPLANATORY NOTE

The Constitution, Article II, Section 15 provides that "The State shall protect and promote the right to health of the people and instill health consciousness among them." However, despite the commendable efforts of our health professionals, according to reports by the Department of Health (DOH), in 2016, more than 58% of recorded deaths in the country were unattended, which means patients were not given medical care at any point during the course of the illness which directly caused their death. This appeared to have caused the increase from 4.9% to 5.6% or a jump of 14% of the country's crude death or mortality rate.

The lack of access to healthcare is a serious problem in the country, especially for those living in rural areas. As a matter of fact, in a study from the University of Texas - School of Public Health of a selected town in the Philippines, only 15% of the inhabitants had undergone medical check-up despite the fact that 63% of them had reported a family history of chronic diseases.

According to the DOH report, the Philippines has a huge human reservoir of health personnel. However, they are unevenly distributed in the country and most are concentrated in urban areas such as in Metro Manila and other cities.

Hence, there is a need to capacitate our health professionals to reach medically underserved Filipinos and to provide our people with access to health services.

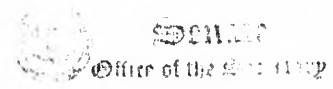
This bill, therefore, seeks to institutionalize a national telemedicine system in the Philippines through the use of information and communications technologies.

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



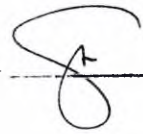
**FRANCIS "TOL" N. TOLENTINO**

NINETEENTH CONGRESS OF THE )  
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**AN ACT**  
**INSTITUTIONALIZING A NATIONAL TELEMEDICINE SYSTEM**  
**IN THE PHILIPPINES**

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

1           **SECTION. 1. *Short Title.*** - This Act shall be known as the "Telemedicine  
2 Act."

3           **SEC. 2. *Declaration of Policy.*** - The State shall protect and promote the  
4 right to health of the people and instill health consciousness among them. Hence, it  
5 is the policy of the State to continuously search for, develop, and utilize innovative  
6 ways and systems to fully protect the health of all Filipinos, from the dense  
7 populations of urban centers to the far-flung and unreachable rural and remote  
8 areas.

9           It shall likewise be the policy of the State to encourage and strengthen  
10 initiatives for promoting health in times of emergencies and calamities through the  
11 use of information and communication technology.

12           **SEC. 3. *Objectives.*** - The objectives of this Act are:

13           (a) To create an innovative, unified, and comprehensive policy framework  
14 for the practice and development of telemedicine in the country;

1 (b) To provide healthcare services, including consultation, diagnosis,  
2 treatment, and prescription of medicines especially in areas that have inadequate or  
3 are far from traditional healthcare institutions and professionals;

4 (c) To allow the use of information and communication technology in the  
5 delivery of healthcare services especially in times of emergencies and disasters; and

6 (d) To strengthen the health system and infrastructure of the country that  
7 will enable it to serve all Filipinos and withstand any unforeseen events.

8 **SEC. 4. Definition of Terms.** - For the purposes of this Act, the following  
9 definitions shall apply:

10 (a) Telemedicine - also referred to as telehealth or electronic healthcare, is  
11 a system of delivering healthcare services through the use of information  
12 and communications technology as a complement to traditional healthcare systems.  
13 It includes the total management of a patient's health care from consultation,  
14 diagnosis, and treatment to prescription of medicine and record-keeping. It likewise  
15 includes the education and training of health personnel to capacitate them to use  
16 telemedicine systems as well as the development of applications and programs for  
17 the furtherance of health.

18 (b) Information and Communications Technology - includes but is not  
19 limited to:

20 i. Digital interactive video, audio, and/or data transmission;

21 ii. Video or web-conferencing technology;

22 iii. Still image capture or asynchronous store and forward;

23 iv. Modern medical devices for patient care and diagnosis.

24 **SEC. 5. National Telemedicine Council.** - A National Telemedicine  
25 Council, hereinafter referred to as "Council," is hereby established and composed of  
26 the following:

- 1 (a) Secretary of Health, who shall serve as Chairperson;
- 2 (b) Secretary of Information and Communication Technology;
- 3 (c) Secretary of Science and Technology;
- 4 (d) Secretary of the Interior and Local Government;
- 5 (e) President of the Philippine Health Insurance Corporation;
- 6 (f) Director-General of the Food and Drug Administration;
- 7 (g) Presidents of healthcare professional associations such as the
- 8 Philippine Medical Association, Philippine Nurses Association, and the Philippine
- 9 Pharmacists Association; and
- 10 (h) Director of the Office for Telemedicine.

11 **SEC. 6. Functions of the Council.** - The Council, with regard to  
12 telemedicine in the Philippines, shall:

- 13 (a) Establish guidelines and regulations on the practice and provision of
- 14 services;
- 15 (b) Create a national roadmap for the achievement and furtherance of the
- 16 objectives of this act;
- 17 (c) Establish and provide for a mechanism of accreditation for electronic
- 18 healthcare providers;
- 19 (d) Establish a national integrated database system for medical
- 20 information;
- 21 (e) Establish a system for electronic prescription of medicine;
- 22 (f) Spearhead and promote research and development activities;
- 23 (g) Capacitate and train existing and new healthcare professionals on the
- 24 provision of health services; and
- 25 (h) Set quality standards for systems, professionals and services.

1 The Council shall convene as frequently as necessary to perform its mandated  
2 functions.

3 **SEC. 7. *Implementing Agency and Secretariat.*** - The Department of  
4 Health shall be the lead agency in implementing this Act. For this purpose, an Office  
5 for Telemedicine shall be created under the Department which shall serve as the  
6 Secretariat for the Council. The Office for Telemedicine shall be headed by a  
7 Director.

8 **SEC. 8. *Practice of Medicine.*** - The provision of Telemedicine services  
9 shall be limited only to registered physicians. Telemedicine services shall be deemed  
10 as acts constituting practice of medicine, and shall result to the establishment of a  
11 doctor-patient relationship.

12 **SEC. 9. *Emergency.*** - The Council shall establish special rules and systems  
13 for the enhanced utilization of Telemedicine in times of emergencies and calamities.

14 **SEC. 10. *Privacy.*** - All medical records generated, including records  
15 maintained via video, audio, electronic, or other means acquired through  
16 Telemedicine must conform to the laws regarding the confidentiality of healthcare  
17 information of the patient, rights to medical information, and recordkeeping  
18 requirements. Any violation of this provision shall be penalized to the maximum  
19 extent under the law.

20 **SEC. 11. *Standard of Care.*** - The standard of care shall be the same as  
21 the standard of care required in traditional or non-Telemedicine healthcare services.

22 **SEC. 12. *Implementing Rules and Regulations.*** - The Council shall  
23 promulgate the necessary rules and regulations for the effective implementation of  
24 this Act within ninety (90) days from its effectivity.

25 **SEC. 13. *Appropriations.*** - The amount necessary for the initial  
26 implementation this Act shall be taken from the current appropriations of the DOH.  
27 Thereafter, the amount needed for the continued implementation of this Act shall be  
28 included in the annual appropriations of the DOH as a distinct and separate item.

1           **SEC. 14. *Separability Clause.*** - If any provision of this Act is declared  
2 invalid or unconstitutional, the remaining provisions shall continue to be in full force  
3 and effect.

4           **SEC. 15. *Repealing Clause.*** – All laws, decrees, executive orders,  
5 proclamations, rules and regulations, and issuances, or parts thereof which are  
6 inconsistent with the provisions of this Act, are hereby repealed, amended, or  
7 modified accordingly.

8           **SEC. 16. *Effectivity.*** — This Act shall take effect fifteen (15) days after its  
9 publication in the *Official Gazette* or in a newspaper of general circulation.

*Approved,*