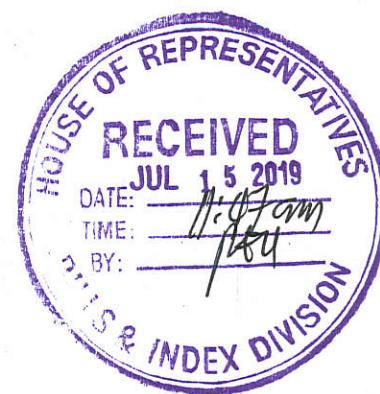


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 2076

Introduced by: **"KUYA" JOSE ANTONIO R. SY-ALVARADO**


AN ACT
AMENDING REPUBLIC ACT NO. 7719, AN ACT PROMOTING VOLUNTARY BLOOD
DONATION, PROVIDING FOR AN ADEQUATE SUPPLY OF SAFE BLOOD, REGULATING
BLOOD BANKS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF, OTHERWISE
KNOWN AS THE NATIONAL BLOOD SERVICES ACT OF 1994, AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

Blood transfusion essentially involves replacement of the blood components that are lacking. It is indicated in the treatment of various conditions including trauma, bleeding disorders and blood loss due to surgery. Blood transfusion helps save lives of many Filipinos who are in need of blood for medical reasons. The Department of Health allows several facilities to collect and supply blood like privately-owned hospitals, dialysis center, and Philippine Red Cross.

These facilities are important for the development of our public health. The State shall ensure that the public specially the poor sector can avail the services of these facilities without the burden of additional fees for blood transfusion. Unfortunately, private hospitals and private medical facilities charge their patients differently according to the kind of room that they are admitted in. This kind of practice should be avoided since blood transfusion is imbued with public interest.

Hence, this proposal is submitted for consideration.

"KUYA" JOSE ANTONIO R. SY-ALVARADO 
Representative
First District of Bulacan

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BLOOD DONATION, PROVIDING FOR AN ADEQUATE SUPPLY OF SAFE BLOOD,
REGULATING BLOOD BANKS, AND PROVIDING PENALTIES FOR VIOLATION
THEREOF, OTHERWISE KNOWN AS THE NATIONAL BLOOD SERVICES ACT OF
1994, AND FOR OTHER PURPOSES

Be in enacted by the Senate of House of Representatives of the Philippines in Congress assembled;

SECTION 1. Sec. 3 of Republic Act No. 7719, otherwise knowns as the National Blood Service Act of 1994, is hereby amended by adding the following definitions after Subsection (j) to read as follows;

"SEC. 3. Definitions. – For purposes of this Act, the following terms shall mean;

"a) xxx;

"xxx;

"j) xxx;

"K) BLOOD SERVICE FACILITY – A UNIT AGENCY OR INSTITUTION PROVIDING BLOOD PRODUCTS, EITHER AS BLOOD STATION, BLOOD COLLECTON UNIT, HOSPITAL BLOOD BANK AND BLOOD CENTER (NATIONAL, SUB-NATIONAL AND REGIONAL);

"L) AUTHORIZED BLOOD SERVICE FACILITY – THE FOLLOWING ARE THE AUTHORIZED BLOOD SERVICE FACILITIES IN THE PHILIPPINES: THE PHILIPPINE BLOOD CENTER, SUB-NATIONAL, BLOOD CENTERS, REGIONAL BLOOD CENTERS (INCLUDING LOCAL GOVERNMENT UNITS), AND THE PHILIPPINE RED CROSS UNDER THE PHILIPPINE NATIONAL BLOOD SERVICES NETWORK. THE FOREGOING ENUMERATION SHALL NOT BE EXCLUSIVE AND MAY BE UPDATED AS NECESSARY BY THE DEPARTMENT.

“(M) EMERGENCY SITUATIONS – EMERGENCY BLOOD TRANSFUSIONS
AS DEFINED BY DEPARTMENT OF HEALTH STANDARDS

Sec. 2. A new SEC. 12 is hereby inserted in Republic Act No. 7719 otherwise known as the National Blood Services Act of 1994, and shall read as follows;

“SEC. 12. PROHIBITED ACTS. – FOR PURPOSES OF THIS ACT, THE FOLLOWING SHALL BE PROHIBITED;

- (1) RETESTING FOR BLOOD TRANSFUSION TRANSMISSABLE DISEASES, FOR A FEE, BY THE END-USER HOSPITAL OR OTHER HEALTH FACILITY OF ALL BLOOD/BLOOD PRODUCTS ISSUED BY AUTHORIZED BLOOD SERVICES FACILITIES UNDER THE PHILIPPINE NATIONAL BLOOD SERVICES NETWORK. REASONABLE CROSS-MATCHING FEES ARE ALLOWED.
- (2) REFUSING TO ACCEPT ANY BLOOD/BLOOD PRODUCTS ISSUED BY AUTHORIZED BLOOD SERVICE FACILITIES UNDER THE PHILIPPINE NATIONAL BLOOD SERVICES NETWORK DUE TO PREFERENCE OF BLOOD/BLOOD PRODUCTS SOURCED FROM THEIR OWN BLOOD BANKS OR A DIFFERENT BLOOD BANK AS DESIGNATED BY THE END-USER HOSPITAL OR OTHER HEALTH FACILITY. THIS SHALL INCLUDE THE PRACTICE OF REPLACEMENT DONATIONS WHEREIN PATIENTS ARE REQUIRED TO BRING ACTUAL BLOOD DONORS TO SOURCE THEIR BLOOD/BLOOD PRODUCT NEEDS;
- (3) CHARGING ADDITIONAL/HIGHER FEES FOR BLOOD UNITS DISPENSED WHICH EXCEED THE MAXIMUM ALLOWABLE BLOOD SERVICES FEES, AS DETERMINED BY THE DEPARTMENT;
- (4) RESELLING ANY UNUSED BLOOD/BLOOD PRODUCTS ISSUED BY THE AUTHORIZED BLOOD SERVICE FACILITIES UNDER THE PHILIPPINE NATIONAL BLOOD SERVICES NETWORK; AND
- (5) RECEIVING PAYMENT IN EXCHANGE FOR DONATING BLOOD;
- (6) REQUIRING REPLACEMENT BLOOD DONATIONS BY ANY BLOOD SERVICES FACILITY TO AVOID COMPROMISING BLOOD SAFETY.

NO OTHER FEES RELATED TO BLOOD SERVICES SHALL BE COLLECTED FROM THE PATIENT OR THE RELATIVES OF THE PATIENT (E.G. DEPOSITS, BLOOD BOND OR NON-REPLACEMENT FEE – PAYMENT OR BOND FOR BLOOD/BLOOD PRODUCTS WHEN THE PATIENT CANNOT BRING VALUNTARY NON-REMUNERATED BLOOD DONORS).

Sec. 3. A new SEC. 13 is hereby inserted in Republic Act No. 7719 otherwise known as National Blood Services Act of 1994, and shall read as follows;

“SEC. 13. SAFEGUARDS AND PROPER HANDLING. – IT IS THE REPONSIBILITY OF THE ISSUING BLOOD SERVICE FACILITY TO ENSURE THAT ALL BLOOD/BLOOD PRODUCTS ISSUED HAVE BEEN TESTED AND FOUND TO BE NEGATIVE OF BLOOD TRANSFUSION TRANSMISSIBLE DISEASES.

THE BLOOD SERVICE FACILITY SHALL LIKEWISE MAKE SURE THAT EVERY BLOOD/BLOOD PRODUCT SHALL BE LABELED ACCORDINGLY, INDICATING AMONG OTHERS: THE UNIQUE BLOOD DONATION NUMBER; DATE AND TIME OF COLLECTION; NAME OR INITIAL OF PHLEBOTOMIST; AND SUCH OTHER INFORMATION WHICH MAY BE PRECIBED BY THE DEPARTMENT.

TO ENSURE THAT THE BLOOD/BLOOD PRODUCTS TO BE TRANSFUSED IS SAFE, THE BLOOD SERVICES FACILITY FROM WHICH THE BLOOD/BLOOD PRODUCTS ORIGINATED MUST ESTABLISH A CHAIN OF CUSTODY TO GUARANTEE THE INTEGRITY OF THE BLOOD/BLOOD PRODUCTS AND TO PREVENT THE INTRODUCTION OF CONTAMINATED BLOOD/BLOOD PRODUCTS TO END-USER HOSPITALS, HEALTH FACILITIES ULTIMATELY, TO THE PATIENTS FOR THIS PURPOSE, BLOOD SERVICE FACILITIES SHALL DOCUMENT EVERY STAGE OF THE OF THE TRANSFER OF THE BLOOD/BLOOD PRODUCTS, INCLUDING BUT NOT LIMITED TO THOSE WHO ACTUALLY HANDLED OR HAD CUSTODY OF THE SAME, HOW HE RECEIVED THE BLOOD/BLOOD PRODUCTS, HOW HE HANDLED IT TO PREVENT SUBSTITUTION AND HOW HE TRANSFERRED THE BLOOD/BLOOD PRODUCTS TO THE END-USER.

FOR THIS PURPOSE, THE ISSUANCE, DELIVERY AND TRANSFER OF THE BLOOD/BLOOD PRODUCTS SHALL BE HANDLED TRAINED BLOOD BANK PERSONNEL.

Sec. 4. SEC. 12 of Republic Act No. 7719, otherwise known as the National Blood Services Act of 1994, is hereby renumbered as SEC. 14 and amended to read as follows.

“SEC. 14. Penalties – (A) Upon complaint of any person and after due notice and hearing. ANY GOVERNMENT OR PRIVATE HOSPITAL, blood bank/center (which shall collect charges and fees greater than the maximum prescribed by the Department) FOUND IN VIOLATION OF THE PROHIBITED ACTS, AS DEFINED IN SEC. 12, shall have its license suspended or revoked by the Secretary.

Any (person or persons who shall be responsible for the above violation) INDIVIDUAL, OR ANY CORPORATION, ASSOCIATION OR ORGANIZATION FOUND RESPONSIBLE FOR COMMISSION OF THE PROHIBITED ACTS AS DEFINED IN SEC. 12 shall suffer the penalty of imprisonment of not less than one month nor more six (6) months, or a fine of less than [Five thousand pesos (P5,000.00) nor more than Fifty thousand pesos (P50,000.00)] TWO HUNDRED THOUSAND PESOS (P200,000.00), or both at the discretion competent court.

(B) Any person who shall establish and operate a blood bank without securing any license to operate from the Department or who fails to comply with the standards prescribed by the imprisonment of not less than twelve (12) years and one (1) day or more than twenty (20) years or a fine of not less than One Hundred Thousand Pesos (P100,000.00) nor more than One Million Pesos (P1,000,000.00), or both at the discretion of the competent court.

(C) ANY INDIVIDUAL, OR THE RESPONSIBLE OFFICER, EMPLOYEE, RESPRESENTATIVE OF ANY CORPORATION, ASSOCIATION OR ORGANIZATION FOUND IN VIOLATION OF THE SAFEGUARDS AS DEFINED IN SEC. 13 HEREOF SHALL SUFFER THE PENALTY OF IMPRISONMENT OF ONE DAY TO 30 DAYS OR A FINE OF NOT LESS THAN ONE HUNDRED THOUSAND PESOS (P100,000.00), OR BOTH, AT THE DISCRETION OF THE COMPETENT COURT.

(D) ANY BLOOD SERVICE FACILITY WHICH DISPENSE OR PERMITS THE TRANSFUSION OF UNSCREENED, INCOMPLETELY TESTED AND/OR CONTAMINATED BLOOD SHALL BE SUBJECT TO THE REVOCATION OF ITS LICENSE OR AUTHORITY TO OPERATE A BLOOD SERVICE FACILITY. MOREOVER, the head of the blood bank and necessary trained personnel under the head's direct supervision found responsible for dispensing, transfusing and falling dispose, within forty-eight (48) hours, blood which have been prove contaminated with blood transfusion transmissible diseases shall be imprisoned for [ten (10)] TWELVE (12) years. This is without prejudice to the filling of APPLICABLE CIVIL/OR criminal charges [under the Revised Penal Code] AS MAY BE PROVIDED BY LAW.

The Secretary, after due notice and hearing, may impose other administrative sanctions such as, but not limited to, fines, suspension, or revocation of license to operate a blood bank/center and to recommend the suspension or revocation of the license to practice the profession when applicable.

Sec. 5. A New SEC. 15. of Republic Act. 7719, otherwise known as the National Blood Services Act of 1994, I hereby added and shall read as follows;

"SEC. 15. ACCESSILITY. - AUTHORIZED BLOOD SERVICE FACILITIES MAY DELIVER BLOOD/BLOOD PRODUCTS TO THOSE WHO MAY OPT TO HAVE THEM DELIVERED AND TO THOSE WHO MAY NEED IT. IN CASE OF EMERGENCY SITUATIONS. THE DELIVERY OF BLOOD/BLOOD PRODUCTS SHOULD BE FREE OF CHARGE.

THE SAFEGUARDS AND PROPER HANDLING AS PROVIDED IN THIS ACT SHALL LIKEWISE BE OBSERVED IN THE DELIVERY OR THE BLOOD/BLOOD PRODUCTS.

IN ORDER TO PROMOTE ACCESS TO BLOOD/BLOOD PRODUCTS AUTHORIZED BLOOD SERVICE FACILITIES SHOULD BE ALLOWED TO OPERATE NEAR AND INSIDE HOSPITALS SUBJECTS TO APPROPRIATE AGREEMENTS WITH THE CONCERNED HOSPITALS.

Sec. 6. All subsequent Section of Republic Act No. 7719, otherwise known as the National Blood Services Act of 1994, shall hereafter be renumbered accordingly.

Sec. 7. Repealing Clause - All laws, decrees, orders, rules and regulation or other issuance or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec. 8. Separability Clause - If any portions or provision of this Act declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

Sec. 9. Effectivity. - This Act shall take effect after fifteen (15) days following the completion of its publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved.