

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **2135**

HOUSE OF REPRESENTATIVES

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Introduced by **Rep. LAWRENCE LEMUEL H. FORTUN**

EXPLANATORY NOTE

This bill seeks to repeal Republic Act No. 9439, otherwise known as "*An Act Prohibiting the Detention of Patients in Hospitals and Medical Clinics on Grounds of Non-Payment of Hospital Bills or Medical Bills.*"

R.A. 9439 sought to prohibit the detention in hospitals and medical clinics of patients, cadavers and medical records and other related documents due to the inability of patients or the families of deceased patients to settle their hospital bills and other charges. While the law has noble intent and may have been helpful to the less-privileged, it suffers from significant inadequacies, and has thus failed to address certain situations patients or their families are thrust into during emergency cases.

The law provides that the prohibition against detention of patients or bodies of deceased patients as well as medical records and related documents does not find application in cases where a patient or deceased patient was admitted in a private room. This provision failed to anticipate situations where a patient, due to the extreme urgency of immediate medical attention and despite full knowledge of his or her financial limitations, is compelled to agree to be admitted to a private room.

The law has also failed to anticipate situations where a deceased patient, although already released, cannot be buried due to the refusal of the hospital or medical clinic to release medical records and other documents necessary for the issuance of a death certificate. There have been appalling experiences of burials being unduly delayed for lack of the necessary documents required for interment, thereby adding injury to the already bereaved family of the deceased.

This bill seeks to address these injustices by strengthening the rights of patients and their families against detention of patients, bodies of deceased patients and medical records by hospitals and medical clinics for failure to settle hospital bills and other medical expenses by repealing for the purpose R.A. 9439.

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

LAWRENCE LEMUEL H. FORTUN
1st District, Agusan del Norte

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House Bill No. **2135**

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AN ACT

**STRENGTHENING THE RIGHTS OF PATIENTS AGAINST HOSPITAL
DETENTION ON THE GROUND OF NONPAYMENT OF HOSPITAL BILLS AND
MEDICAL EXPENSES AND REPEALING FOR THE PURPOSE, REPUBLIC ACT NO.
9439, ENTITLED "AN ACT PROHIBITING THE DETENTION OF PATIENTS IN
HOSPITALS AND MEDICAL CLINICS ON GROUNDS OF NONPAYMENT OF
HOSPITAL BILLS OR MEDICAL EXPENSES"**

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

Section 1. This Act shall be known as the Patients' Rights Against Hospital Detention Act".

Section 2. It shall be unlawful for any hospital or medical clinic to detain or otherwise cause, directly or indirectly the detention of a patient who is due for discharge, or the body of a deceased patient, or any document pertinent to the examination, diagnosis, medication, care and hospitalization of a patient, for non-payment, in full or in part, of hospital bills and other medical expenses.

Section 3. A patient who is already due for discharge and has expressed desire to leave the hospital but is financially incapable of immediately settling, fully or partially, the hospital bills, including professional fees and other medical expenses, shall be allowed discharge with a right to demand the issuance of appropriate medical certificates and the release of other medical records and/or documents examination, diagnosis, medication, care and hospitalization upon the execution of a proper promissory note covering the unpaid obligations. The promissory note shall be secured by a mortgage, or a guarantee by a guarantor who shall be liable for the unpaid obligations should the principal fail to settle the same: Provided, however, that a patient admitted to a private room shall not be covered by this Act, unless the said patient, notwithstanding his or her expressed desire to be admitted to a non-private room, was admitted to a private room for the following reasons:

- a. No non-private room in the hospital or medical clinic was available and the patient was compelled to be admitted to a private room due to the urgency of his or her case;
- b. The physician or other medical professionals of the hospital or medical clinic deemed it to be in the best interest of the patient to be admitted to a private room for purposes of intensive care, isolation, quarantine or other compelling circumstances;

Provided, further, that cases where a patient is admitted for the above-stated reasons, the hospital or medical clinic shall issue to the patient a certification that the said admission to a private room was due to any of the aforementioned reasons: Provided, further, that the failure or refusal of the hospital or medical clinic to admit a patient to a private room despite the urgency

violation of this Act: Provided, finally, that in the case of a deceased patient, the hospital or medical clinic shall release his or her body and the corresponding death certificate and other documents required for interment to his or her surviving spouse and/or other relatives requesting for the same upon the execution of a promissory note secured by a mortgage or a guarantee regardless of the nature of the room to which the patient was admitted during his or her care, treatment or hospitalization. The death certificate and other documents pertinent documents shall be released within three (3) working days from the demand of the aforementioned documents.

Section 4. Any officer or employee of the hospital or medical clinic responsible for releasing patients, who violates the provisions of this act shall be punished by a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Two hundred thousand (P200,000.00), or imprisonment of not less than one (1) month, but not more than six (6) months imprisonment or both at the discretion of the proper court.

Section 5. Within sixty (60) days from the effectivity of this Act, the Department of Health shall promulgate the necessary rules and regulations to carry out the provisions of this Act.

Section 6. If any provision of this Act is declared null and void, the remaining provisions hereof not affected thereby shall remain in full force and effect.

Section 7. All laws, decrees, orders, rules and regulations or part thereof inconsistent with this Act are hereby repealed or amended accordingly.

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

Approved,