

September 25, 2019

**Honorable ANGELINA “HELEN” TAN, M.D.**  
Chairperson  
Committee on Health  
House of Representatives  
Quezon City

Dear **Representative Tan**:

This refers to **House Bill No. 8** entitled: “An Act **Establishing the National Health Passport System and Strengthening the Primary Healthcare System**, Appropriating Funds Therefor”, introduced by House Speaker Alan Peter S. Cayetano, and **HBNs 61, 171 & 665** entitled: “An Act **Establishing the Philippine eHealth System and Services in the Delivery of Health Services with the Use of Information and Communications Technology** in the Philippines, and Appropriating Funds Therefor” authored by Reps. Victor A. Yap, the Chair and Ron P. Salo, respectively.

In general, while the Department supports the intention of the bill to strengthen the primary healthcare system by addressing gaps in medical record keeping with the use of information and communications technology in the Philippines, we recommend harmonizing this bill with the *Philippine System Identification Act*, which, in essence, requires only one national ID per Filipino.

To contribute to the bill’s enhancement, we further recommend the following:

1. **Sec. 4 – Definition of Terms**

1.1 HBN 8 (Rep. Cayetano), on **letter a) eHealth**

- ✓ For common understanding, to **define the word by referring to its description as a practice** rather than referring to it as a tool.

2. **Sec. 5 – Scope of the Health Passport System**

2.1 HBN 8 (Rep. Cayetano)

- ✓ The Department is tasked under the Anti-Child Abuse Act to extend care to children who are victims of neglect, abuse, cruelty or exploitation and other conditions prejudicial to their development. Thus, we believe that the parents **should not be penalized at once** for mere failure to provide their children with medical check-ups and immunizations because there may be instances wherein the government or private hospitals deny medical services to these children whose parents are unable to pay for

the medical fees, or there may be cases where the parents of the child are unaware or unable to fully comply with the documentary requirements for the health passport. Thus, we recommend further study on this provision of the bill.

## 2.2 HBN 8 (Rep. Cayetano)

- ✓ To **include children under care of residential and foster care program of government and non-government institutions.**
- ✓ There are two Sections 5 in the draft bill, but **no Sections 6 and 7.**

## 3. **Sec. 7 – Scope of eHealth Services and Solutions**

### 3.1 HBNs 61, 171 & 665 (Reps. Victor A. Yap, Angelina D.L. Tan, M.D. and Ron P. Salo, respectively)

- ✓ To **highlight the type of eHealth services that can be availed of** or shall be made available to the public instead of highlighting the eHealth services as enumerated herein where some terms were already defined in Section 4 of these documents.

## 4. **Sec. 8 – Procedure**

### 4.1 HBN 8 (Rep. Cayetano)

- ✓ To **delete the “Department of Social Welfare and Development”** and instead **replace it with “Local Social Welfare and Development Office”** pursuant to the devolution of social services under the Local Government Code.

## 5. **Secs. 9, 10, 11, 12 & 13 – Electronic Medical or Health Record**

### 5.1 HBNs 61, 171 & 665 (Reps. Victor A. Yap, Angelina D.L. Tan, M.D. and Ron P. Salo, respectively)

- ✓ To **merge into one section** the highlights pertaining to Electronic Medical or Health Record with generally stated provisions.

## 6. **Sec. 9 – Digitization of Rural Health Center Records**

### 6.1 HBN 8 (Rep. Cayetano)

- ✓ The handling of data should observe Republic Act (RA) No. 10173 otherwise known as the Data Privacy Act.
- ✓ The National Privacy Commission should be involved in drafting the Implementing Rules and Regulations (IRR).

7. **Sec. 10 – Senior Citizen Privileges**

7.1 HBN 8 (Rep. Cayetano)

- ✓ To **include Persons with Disabilities** in line with Republic Act No. 7277 otherwise known as the Magna Carta for Disabled Person.

8. **Sec. 16 – Lead Agency**

8.1 HBNS 61, 171 & 665 (Reps. Victor A. Yap, Angelina D.L. Tan, M.D. and Ron P. Salo, respectively), on **letter (f)**, which says that “*Telehealth centers shall be under the supervision of DoH*” and **Sec. 21**, which states that “*DoH shall be the lead agency for the accreditation for the facilities as Telehealth centers.*”

- ✓ To **clarify the possibility of role conflict** in the performance of said functions.

9. **Sec. 17 – National eHealth Steering Committee and Art. VI on The eHealth Center Board**

9.1 HBNS 61, 171 & 665 (Reps. Victor A. Yap, Angelina D.L. Tan, M.D. and Ron P. Salo, respectively)

- ✓ To **further review and study the function and necessity of creating an eHealth center board** since the DoH is already identified as the lead implementing agency, thus an Oversight Committee is already sufficient.

10. **Art. XI – Liabilities and Penalties**

10.1 HBN 61 (Rep. Yap)

- ✓ To subject the provisions stated herein for further review.

11. **Other Comments:**

11.1 To reconcile the bill with RA No. 11223 Otherwise Known as the “**Universal Health Care Act**” particularly on Sec. 36, which states:

*“All health service providers and insurers shall each maintain a **health information system** consisting of ... **electronic health records**...consistent with DoH standards, which shall be electronically uploaded on a regular basis through interoperable systems:...”*

11.2 Premium should be placed on **ensuring patient privacy rights, pursuant to the Data Privacy Act**. Safeguards in protecting the patient's information must be present in the HIS to be developed by DOH and Philhealth. Establishing two systems for the same purpose may

affect the agency's capacity to maintain said systems and ensure avoidance of breach and violations.

- 11.3 Reconcile the content, specifically in the creation of the committee as an oversight/policy-making body, wherein identified members of the committee vary from one bill to another. Hence, it is recommended that member-agencies be identified according to their key role and contribution to ensure effective implementation of this Act

For the Committee's consideration.

Very truly yours,



**ROLANDO JOSELITO D. BAUTISTA**

Secretary

Date: \_\_\_\_\_