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IMPLEMENTING RULES AND REGULATIONS OF BATAS PAMBANSA BLG. 702: AN ACT PROHIBITING THE DEMAND OF DEPOSITS OR ADVANCE PAYMENTS FOR THE CONFINEMENT AND TREATMENT OF PATIENTS IN HOS...

DOH ADMINISTRATIVE ORDER NO. 89, March 20, 1990

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Pursuant to the provisions of BP No. 702 authorizing the Ministry of Health (now the Department of Health) to promulgate the necessary rules and regulations to carry out the provisions of the said Act, the following are hereby issued:

1. Section 1 of said act provides: "It shall be unlawful for any director, manager or any other officer of a hospital or medical clinic to demand any deposit or any other form of advance payment for confinement or treatment in such hospital or medical clinic in emergency or serious cases."

2. For the purpose of implementing the above, the following definitions are provided:

2.1 Hospital — shall refer to a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment and care of individuals suffering from illness, disease, injury or deformity, or in need of obstetrical or other medical and nursing care. The term hospital shall also be construed as any institution, building or place where there are installed beds, or cribs or bassinets for twenty-four hour use or longer by patients in the treatment of diseas, diseased conditions, injuries, deformities, or abnormal physical and mental states, maternity cases and all institutions such as those for convalescence, sanitorial care, infirmaries, nurseries, dispensaries and such other names by which they may be designated (R.A. 4226).

2.2 Medical Clinic — shall refer to a health facility where evaluation and treatment is given to patients.

2.3 Director, manager or officer — any employee of the hospital or medical clinic acting in behalf of such hospital or clinic in pursuit of written or verbal instructions to implement a standards procedure or policy.

2.4 Demand for deposit or any form of advance payment — any request, requirement or demand which stipulates actual payment in cash or kind prior to the commencement of or the proper completion of medical diagnosis and treatment.

2.5. Emergency — shall refer to a condition or state of the patient of sudden onset where there is immediate danger and which delay in initial and appropriate treatment may cause loss of life.

2.6 Serious Case — refers to a condition of a patient characterized by gravity or danger which when left unattended may cause loss of life.

2.7 Confinement — shall refer to a state or process of being kept in a hospital for diagnosis, treatment or observation.

2.8 Treatment — a regimen of medical or surgical actions whose objectives are to prevent loss of life or damage to human organs and to restore normal and stable bodily functions.

3. In order to demonstrate compliance with the Act’s provisions, all hospitals and medical clinics are instructed to

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institute the following measures.

3.1 A copy of the law and this implementing regulation should be displayed prominently at hospital emergency rooms, hospital admission counters and medical clinic premises.

3.2 Hospital and clinic managers shall instruct their personnel to provide prompt and immediate medical attention on emergency and serious cases without any prior requirements for payment or deposit.

3.3 Hospital and clinic managers shall establish billing and collection procedures for treatment or confinement of emergency and serious cases which shall not commence until the essential appropriate treatment of such cases has been completed. "Essential appropriate treatment" refer to the basic regimen of medical and surgical actions necessary to stabilize an emergency or serious case that are within the capability of the hospital or clinic.

3.4 It is clarified that the law and this administrative order covers only the provision of medical or surgical goods and services, and do not cover the provision of non-medical amenities (such as types of accommodation, meals for patient companions, etc.) which have nothing to do with the treatment of the emergency or serious case. The provisions of and payment for these non-medical amenities shall be subject to appropriate institutional business practice.

4. Alleged violations of the Act and this order may be reported to the Bureau of Licensing and Regulations, Office for Standards and Regulations, Department of Health, Sta. Cruz, Manila, or at the nearest Provincial Health Office or Regional Health Office.

5. Investigation shall be conducted by the Bureau of Licensing and Regulations and the finding shall be referred to the appropriate fiscal for criminal prosecution. Persons convicted of violation shall be punished in accordance with the Act.

6. At the instance of the Bureau of Licensing and Regulations, administrative proceeding may also be pursued against erring clinics or hospitals that could lead to either suspension or revocation of appropriate licenses.

These Rules and Regulations shall take effect fifteen (15) days after publication in the Official Gazette or in a newspaper of general circulation.

Adopted: 20 March 1990

(SGD.) ALFREDO R.A. BENGZON, M.D.
Secretary

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