



HOUSE OF REPRESENTATIVES

H. No. 6248

BY REPRESENTATIVES NOGRALES, SANTIAGO (N.), ROXAS, PICHAY, BIRON,
NICOLAS, MAGSAYSAY, LACSON, GARIN, PINGOY, GONZALES (N.),
DE GUZMAN, AGBAYANI, VELARDE AND ROMULO, PER COMMITTEE
REPORT NO. 1947

AN ACT ESTABLISHING A PATIENT GRIEVANCE MECHANISM
FOR TREATMENT-RELATED GRIEVANCES IN ALL PUBLIC
AND PRIVATE HEALTH INSTITUTIONS WITH THE
SUPERVISION OF THE DEPARTMENT OF HEALTH, AND
FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Patient
2 Grievance Mechanism Act of 2009”.

3 SEC. 2. *Declaration of Policy.* – The State values the dignity of
4 every person and upholds full respect for human rights. It shall then
5 maintain the policy of protecting and promoting the citizen’s right to health
6 and instilling health awareness among them. Thus, it is imperative for the
7 State to establish an effective, efficient and just grievance mechanism that
8 will ensure the protection of a person’s right to a decent, humane and
9 adequate health care. This Act intends to create a functional mechanism
10 that will address the problems and complaints of medical patients in
11 relation to their treatment.

1 SEC. 3. *Definition of Terms.* – For purposes of this Act, the
2 following terms shall mean:

3 (a) “Patients” persons requiring medical attention from any medical
4 practitioner.

5 (b) “Medical Grievance” a grievance or complaint specific to the
6 provision or nonprovision of medical care or services. It can be any
7 complaint arising from injury or death of a patient in relation to his or her
8 diagnosis, prognosis, or treatment by a physician or any medical
9 practitioner and/or his or her assistant due, but not limited to, the following:

10 (1) Gross incompetence or negligence in the practice of his or her
11 profession;

12 (2) Aiding or acting as a dummy of a person unqualified or
13 unregistered to practice medicine; and

14 (3) Violation of the doctor-patient privilege.

15 (c) “Grievance Board” the grievance mechanism instituted by the
16 hospital which will receive, investigate, examine and resolve all medical
17 grievances that may fall under its jurisdiction.

18 (d) “Gross negligence” pursuit of a course or conduct, which would
19 naturally and reasonably result in injury and/or death. It is characterized by
20 a lack of care and an intentional neglect to act in the call of duty while
21 maintaining a conscious indifference to consequences it will have on other
22 people. The existence of negligence in a given case is not determined by
23 reference to the specific judgment of a person involved in a complaint, but
24 by what would be reckless, blameworthy and negligent in a person of
25 average intelligence and prudence.

26 (e) “Health Care Provider” all medical and health personnel
27 involved in the diagnosis, prognosis and treatment of a patient.

28 (f) “Hospital” health institution defined as such under Republic Act
29 No. 4226 or the Hospital Licensure Act of 1965.

1 (g) "Consumer Arbitration Officer" person appointed for the
2 effective and efficient protection of consumer rights under Republic Act
3 No. 7394 or the Consumer Act of the Philippines.

4 (h) "Legal Representative" the members of the patient's immediate
5 family or his or her guardian or counsel chosen by the patient to represent
6 him or her.

7 SEC. 4. *Formation of a Grievance Board in all Public and Private*
8 *Hospitals.* – All hospitals must create a Grievance Board that will receive,
9 investigate, adjudicate and recommend actions to arrive at a resolution of
10 complaints related to the diagnosis, prognosis and treatment of patients
11 who sought the services of such health institution.

12 The Hospital Grievance Board shall have at least seven (7)
13 members:

14 (a) One (1) grievance officer appointed and permanently designated
15 by the hospital who shall act as the chairperson. He or she must hold a
16 supervisory or managerial position and must not be a medical doctor.

17 (b) Two (2) doctors from the hospital's pool of physicians:
18 *Provided*, That they were not involved in the treatment of the patient-
19 complainant: *Provided, further*, That they have the necessary expertise in
20 the branch of medicine that is the subject matter of a given case: *Provided*,
21 *finally*, That they are not related up to the third degree of consanguinity to
22 any party involved in the complaint or grievance;

23 (c) The local health officer or his/her duly authorized
24 representative: *Provided*, That the representative is a full-time staff of the
25 local health unit and must be a college graduate;

26 (d) One (1) representative from the Philippine Medical Association
27 (PMA) or any recognized national or nongovernmental health organization;

28 (e) One (1) representative from the Department of Health (DOH)
29 Regional Office and implementing arm in every region – Center for Health
30 Development (CHD); and

1 (f) One (1) consumer arbitration officer who has jurisdiction over
2 the area where the hospital is located.

3 Each hospital shall draft a list of experts for each field who are
4 authorized to sit in the Board. The DOH shall have the duty of ensuring
5 the establishment of the Grievance Boards and acting as their overseer.

6 SEC. 5. *Patient Grievance Procedure.* – A patient desiring to file a
7 grievance under this Act shall submit a complaint in writing to the Hospital
8 Grievance Board, a copy of which shall also be sent to the respective
9 Center for Health Development (CHD). The document must be signed and
10 sworn to by the patient himself or herself or his or her legal representative
11 and must be filed within thirty (30) days from the occurrence of the event
12 on which the complaint is based. It must state the act or failure complained
13 of, the parties to whom the complaint is directed against, the conduct or
14 duty violated, and other allegations which the complainant deems necessary
15 to include.

16 SEC. 6. *Action on the Grievance.* – It is the duty of the grievance
17 officer to examine the stated allegations and determine what falls within the
18 jurisdiction of the Grievance Board. He or she may require the parties to
19 submit affidavits, briefs or other pertinent documents within a reasonable
20 period and under appropriate conditions to determine the validity of the
21 complaint.

22 The grievance officer shall act on the complaint within fifteen (15)
23 days upon receipt. If the complaint is deemed not actionable, the officer
24 shall inform the patient, or his or her legal representative, in writing, the
25 basis of the said dismissal. Should the officer find that the complaint is
26 actionable, he or she shall submit a report to the Board and recommend the
27 case for mediation.

28 The Board shall have thirty (30) days from receipt of the grievance
29 officer's report to resolve the complaint.

1 This Act shall not deprive the patient the right to seek other
2 remedies allowed under other existing laws: *Provided*, That, he or she
3 shall not be allowed to recover twice for the same remedy.

4 SEC. 7. *Remedies to be Awarded.* – If the physician and his or her
5 assistants are found guilty of any of the acts listed on the complaint, the
6 Grievance Board, through majority vote of all members except the
7 grievance officer who endorsed the case, may grant relief prayed for by the
8 complainant. Remedies shall be limited to compensation for actual
9 monetary loss and will not cover psychological damages or other explicitly
10 non-monetary losses. Likewise, the Board may recommend disciplinary
11 action on the respondent under the civil service rules and regulations, in
12 case of public hospitals, to the Professional Regulation Commission, and
13 the concerned medical association.

14 SEC. 8. *Rules of Procedure.* – The hospital shall promulgate its
15 rules and regulations which must clearly state the procedures and methods
16 of filing and addressing grievances. The rules must be consistent with the
17 provisions of this Act and shall require the approval of the DOH before
18 implementation. The procedure must be broad enough to apply to the
19 handling of various types of complaints and must effectively facilitate the
20 settlement of grievances at the soonest possible time. It shall include the
21 rules on taking appeal.

22 All records received from the parties and the proceedings of the
23 Board shall be kept strictly confidential and shall not be disclosed, except
24 upon lawful order of a competent court.

25 SEC. 9. *Appeal.* – Any party adversely affected by a decision,
26 ruling or inaction by the Grievance Board on a patient's complaint may file
27 an appeal before the Secretary of the DOH within thirty (30) days upon
28 receipt of the resolution of the Grievance Board. The Secretary of Health
29 shall act on it within thirty (30) days upon receipt of the appeal.

1 SEC. 10. *Implementing Rules and Regulations.* – The DOH, in
2 coordination with the Department of Justice, the Professional Regulation
3 Commission, the Professional Regulation Commission – Board of
4 Medicine, the Philippine Medical Association (PMA), the Philippine
5 Hospital Association, the Philippine Health Insurance Corporation and
6 concerned private agencies, nongovernmental organizations and people’s
7 organizations shall issue the implementing rules and regulations necessary
8 to carry out the provisions of this Act within one hundred eighty (180) days
9 after its approval.

10 SEC. 11. *Prescriptive Period.* – The time during which the case is
11 submitted for mediation shall toll the running of the prescriptive period for
12 the filing of a civil or criminal case under the Revised Penal Code or any
13 administrative case under existing laws.

14 SEC. 12. *Separability Clause.* – If any part, section or provision of
15 this Act is held invalid or unconstitutional, other provisions not affected
16 thereby shall remain in force and effect.

17 SEC. 13. *Repealing Clause.* – All laws, presidential decrees,
18 executive orders, rules and regulations or parts thereof which are
19 inconsistent with the provisions of this Act are hereby repealed or modified
20 accordingly.

21 SEC. 14. *Effectivity Clause.* – This Act shall take effect fifteen (15)
22 days after its publication in the *Official Gazette* or in any newspaper of
23 general circulation.

Approved,

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