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SENATE

Senate Bill No. 1176

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**INTRODUCED BY SEN. MANNY VILLAR**

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**EXPLANATORY NOTE**

Patients have the right to choose the healthcare providers that would give them access to high-quality healthcare. They have the right to be treated with courtesy and respect, with appreciation of their individual dignity and with protection of their need for privacy. Pursuant to these rights, patients must also be given the right to choose the gender of the healthcare personnel that would attend to their needs including their hygienic needs. This is to assure the patients that their participation in all aspects of their health care is important. Further, this will safeguard the patients, particularly, the women and mental health patients, of their right to be free from any form of abuse or harassment.

On this note, the attached bill gives mental health patients the right to request that the health care be given by a licensed staff who has the sex that the patient requests. If the patient is incapacitated and unable to make a request, intimate care shall be provided by a staff member who is the same sex as the patient except as provided therein.

  
**MANNY VILLAR**

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**AN ACT  
RELATING TO MENTAL HEALTH PATIENT RIGHTS AND TO A HOSPITAL'S  
DUTY TO PROVIDE CHOICE OF THE SEX OF STAFF PROVIDING INTIMATE  
CARE TO A MENTAL HEALTH PATIENT**

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

**SECTION 1.** Title. - This Act shall be known and cited as the "Patients' Right Act"

**SECTION 2.** Patient Right to Staff Selection. (a) A patient who is receiving mental health treatment and who is provided intimate care at a hospital that employs more than 10 staff members to attend patients has the right to request that the care be given by a licensed staff member who is the sex that the patient requests.

b. If a patient who is receiving mental health treatment and who is provided intimate care is incapacitated and unable to make a request, intimate care shall be provided by a staff member who is the same sex as the patient except as provided in subsection (c) of this section.

c. if, after reasonable and good faith efforts to comply, the hospital is unable to comply with a patient's request under subsection (b) or with the requirement under this subsection, document in the patient record that intimate care was provided by a staff member of the sex opposite to that requested by the patient under subsection (b) of this section or opposite to that of the patient under subsection (c) of this section because of an inability to comply;

**SECTION 3.** Obligation of the Hospital. A supervisor or manager employed by a hospital shall-

1. post a notice of the right provided under this Act in a conspicuous place in patient rooms;

3. adopt a policy to provide intimate care as required under this section;  
and

(4) distribute the policy adopted to relevant staff members before the provision of intimate care to a patient.

**SECTION 4. Definition of Terms-**

(1) "Intimate Care" means hygienic care, including bathing and toileting, that involves a patient's perineal area and, for a female patient, the patient's breasts; "intimate care" does not include activities done in preparation for medical procedures;

(2) "Licensed Staff Member" means a person licensed or certified in the state such as midwives, physicians and physician assistants, naturopaths, nurses and nurse aides;

(3) "Mental Health Treatment" means electroconvulsive treatment, treatment with psychotropic medication, or admission to and retention in a health care institution for mental health treatment.

**SECTION 5. Separability Clause.** - In the event that any provision or part of this Act shall be declared unconstitutional by the courts, the remaining provisions shall remain valid and in full force and effect.

**SECTION 6. Repealing Clause.** - All laws, orders, rules and regulations or part thereof inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

**SECTION 7. Date of Effectivity.** - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,