

**[DOH ADMINISTRATIVE ORDER NO. 2013-0006,
February 07, 2013]**

**GUIDELINES TO "RULE XI: ROLE OF DOH IN THE OMNIBUS
RULES AND REGULATIONS IMPLEMENTING THE MIGRANT
WORKERS AND OVERSEAS FILIPINOS ACT OF 1995, AS
AMENDED BY REPUBLIC ACT NO. 10022"**

I. BACKGROUND/RATIONALE

On January 2, 2003, Administrative Order (A.O.) No. 1 s. 2003 entitled "Operational Guidelines in the Conduct of Pre-Employment Medical Examination of Overseas Workers and Seafarers" was issued to establish and promulgate guidelines in the regulation of medical clinics where Pre-Employment Medical Examinations (PEME) are being conducted.

Pursuant to A.O. No. 181 s. 2004 dated September 9, 2004 known as "Revised Rules and Regulations Governing Accreditation of Medical Facilities for Overseas Workers and Seafarers", medical clinics were required to establish a Quality Standard System as part of its continuous improvement in the standards of medical service for overseas work applicants.

Subsequently, on July 27, 2007, A.O. No. 2007-0025 was issued providing for the "Revised Guidelines for Conducting Medical Fitness Examinations for Seafarers". This brings to light a list of medical guidelines that may render a seafarers unfit for sea duty. With the decision by the International Maritime Organization (IMO) to include the Manila amendments into the standards set by the International Convention on Standards of Training, Certification and Watchkeeping (STCW), it is essential that Filipino sailors and maritime physicians understand these amendments which may affect their professional qualifications in relation to additional requirements and competencies they need to meet to acquire an STCW Certificate.

Furthermore, on March 8, 2010, Republic Act (R.A.) No. 10022 also known as "An Act Amending Republic Act No. 8042, Otherwise Known As 'The Migrant Workers And Overseas Filipinos Act Of 1995,' As Amended, Further Improving The Standard Of Protection And Promotion Of The Welfare Of Migrant Workers, Their Families And Overseas Filipinos In Distress, And For Other Purposes", lapsed into law. The law recognized the importance of the role of government agencies particularly the Department of Health (DOH) through the Bureau of Health Facilities and Services (BHFS) in upholding the health, safety and welfare of Filipino migrant workers. On July 29, 2010, the Omnibus Rules and Regulations implementing the aforementioned Act was published and this put law into full force and effect.

All applicants for overseas work are required to undergo PEME at medical clinics accredited by DOH. With the variation in health examination packages among receiving countries, Section 16 of R.A. No. 10022 authorizes DOH to promulgate the

necessary guidelines by prescribing, among others, a reasonable range of fees on the aforesaid examinations to enhance the quality of PEME.

This Order revises the foregoing issuances to ensure access to safe, quality and affordable health facilities and PEME services for the benefit of Filipino immigrant workers.

II. OBJECTIVE

This Order sets the guidelines to carry out the provisions of Rule XI: Role of DOH in the Omnibus Rules and Regulations Implementing the Migrant Workers and Overseas Filipinos Act of 1995, as amended by R.A. No. 10022.

III. SCOPE OF APPLICATION

This Order applies to all DOH accredited medical clinics conducting PEME for land based overseas work applicants and seafarers for domestic/overseas employment.

IV. DEFINITION OF TERMS

For purposes of this Order, the following terms and acronyms shall have the corresponding definitions:

1. *Applicant* – a person defined under # 15 of the Definition of Terms.
2. *Assessment Tool* – the checklist utilized by regulatory officers during inspection or monitoring visits to evaluate compliance of DOH accredited medical clinics to minimum standards and requirements set forth by DOH through BHFS.
3. *Audiometry* – the minimum screening test to check the threshold of hearing utilizing air conduction. It may be performed by a trained physician, an audiologist or any allied medical staff with the appropriate training.
4. *Board Certified Physician* – a physician who is a Diplomate and/or Fellow of a medical specialty and/or subspecialty society recognized by the Philippine Medical Association and certified to by the corresponding medical specialty and/or subspecialty board.
5. *Bureau of Health Facilities and Services (BHFS)* – the regulatory agency of DOH which shall exercise the accreditation and regulatory function under these rules and regulations.
6. *Certificate of Accreditation (COA)* – the formal authorization issued by BHFS to an individual, partnership, corporation or association to operate a medical facility for overseas workers and seafarers. It refers to compliance with standards set for a particular purpose. These standards cover input/structural, process and outcome/output standards.
7. *Department of Foreign Affairs (DFA)* – the agency responsible for the authentication (DFA Ribbon) of PEME certificates of applicant bound to other countries.
8. *Department of Health (DOH)*
9. *DOH Accredited Medical Clinic* – refers to a medical facility for overseas workers and seafarers that has complied with all requirements for DOH accreditation.
10. *Department of Health – Permit to Construct (DOH-PTC)* – a permit issued by DOH through BHFS to an applicant who will establish and operate a medical facility for overseas workers and seafarers upon compliance with required documents set forth in this Order prior to the actual construction of the subject facility. It is also required of a medical clinic with substantial alteration, expansion and/or renovation. It is a prerequisite for accreditation of a medical clinic.

11. *E-Commerce Law* – refers to R.A. No. 8792, An Act Providing for the Recognition an Use of Electronic Commercial and Non-Commercial Transaction an Documents, Penalties for Unlawful Use Thereof and for Other Purposes”.
12. *Fitness date* – the date of issuance of a fit PEME certificate. The ninety (90) day validity of a fit PEME certificate of an applicant for overseas work prior to deployment commences on the date of fitness issued by DOH accredited medical clinics.
13. *Full Time* – refers to an employee with a fixed working time of eight (8) business hours a day, five (5) days a week, Monday through Friday or during business hours of clinic operations.
14. *Maritime Industry Authority (MARINA)* – the agency of the Philippine government responsible for integrating the development, promotion and regulation of the maritime industry in the Philippine.
15. *Overseas Filipino Worker (OFW) or migrant worker* – a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a citizens or on board a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes or on an installation located offshore or on the high seas. A person to be engaged in a remunerated activity refers to an applicant worker who has been promised or assured employment overseas.
16. *Part Time* – refers to personnel who typically work fewer hours in a day or during a work week than full-time employees. They serve continuously but parttime in order to fulfill a high function that does not require their continuous presence. Examples are, but not limited to, specialist physicians in pathology, radiology and others.
17. *Pre-Employment Medical Examination (PEME)* – DOH standard medical examination that is conducted prior to deployment on an applicant to determine whether he/she is physically and mentally fit to work. It applies to both land based overseas work applicants and seafarers for domestic/overseas employment.
18. *Peer Review Committee* - a committee created by the Secretary of Health to review and decide contested PEME results.
19. *Philippine Overseas Employment Administration (POEA)* - the agency responsible for the issuance of the Overseas Employment Certificate (OEC) which serves as the worker’s travel exit clearance at the airport and immigration counters.
20. *Principal* - an employer or foreign placement agency hiring or engaging Filipino workers for overseas employment through a licensed private recruitment/manning agency.
21. *Quality Standard System (QSS)* – refers to documented policies, procedures and instructions in accordance with international standards that are related to quality management system and designed to help organizations ensure that they meet the needs of customers and other stakeholders while meeting statutory and regulatory requirements related to health facilities and services as certified by a DOH recognized certifying entity.
22. *Repatriation* – the return of an OFW, dead or alive from a job site overseas, the reasons for which range from completion of employment, labor conflicts, medical causes, psychosocial problems, wars, restrictive immigration policies and others.
23. *Standards for Training, Certification and Watchkeeping (STCW)* – the International Convention that prescribes the minimum standards relating to training, certification and watchkeeping for seafarers.

V. IMPLEMENTING MECHANISMS

A. GENERAL GUIDELINES

1. The Department of Health shall regulate the activities and operations of all clinics which conduct medical, physical, optical, dental, psychological and other similar examinations, hereinafter referred to as health examinations, on Filipino migrant workers as a requirement for their overseas employment. All PEME for overseas work applicants shall be performed only in DOH accredited medical clinics and health facilities utilizing the standards set forth by DOH. Pursuant to this, DOH shall ensure that:

a. The scope of medical examination shall be in accordance with the standards set by DOH through BHFS.

b. The fees for the health examinations are regulated, regularly monitored and duly published to ensure that the said fees are reasonable and not exorbitant. The DOH shall set a minimum and maximum range of fees for the different examinations to be conducted, based on a thorough and periodic review of the cost of health examinations and after consultation with concerned stakeholders. The fees shall be reasonable enough to cover the cost of services rendered.

c. No group or groups of medical clinics shall have a monopoly of exclusively conducting health examinations on migrant workers for certain receiving countries.

d. Every Filipino migrant worker shall have the freedom to choose any of DOH accredited or DOH operated clinics that will conduct his/her health examinations and that his/her rights as a patient is respected, except when the migrant worker is a seafarer whose cost of medical examination is shouldered by the principal/shipowner.

e. The decking practice, which requires overseas Filipino workers to go first to an office for registration and then farmed out to a medical clinic located elsewhere, shall not be allowed. All clinics are enjoined to strictly observe the provisions of Administrative Order No. 2011-0015, as amended by A.O. No. 2011-0015-A, known as "Guidelines on the Prohibition of Referral/ Decking Practice of OFW Clinics and Respecting the Right of OFWs to Choose Their Own OFW Clinics for Medical Examinations Pursuant to Republic Act 10022."

2. All clinics shall have a valid QSS in place certified by a DOH recognized certifying entity.

3. All clinics, including DOH operated clinics conducting health examinations for Filipino migrant workers shall observe the same standard operating procedures and shall comply with internationally accepted standards in their operation.

4. The Bureau of Health Facilities and Services shall closely coordinate with DFA in strengthening diplomatic relations with other countries and in pushing for the rights and health interests of Filipino migrant workers through massive information dissemination of DOH regulatory policies and standards of health for the Filipino People.

5. Stakeholders shall comply with the standards and requirements prescribed in the assessment tool for accreditation of medical facilities for overseas workers and seafarers posted at DOH website www.doh.gov.ph, this Order and its Annexes, other related policy guidelines and/or issuances.

B. SPECIFIC GUIDELINES

1. Classification of Medical Facilities for Overseas Workers and Seafarers

- a. Regular – conduct PEME for land based overseas work applicant and seafarers for domestic/overseas employment.
- b. Special - divided into two (2) types:
 1. Seafarer's Medical Facility – conducts PEME exclusively for seafarers for domestic/overseas employment.
 2. Land Based Medical Facility – conducts PEME exclusively for land based work applicants.

2. Standards

Every clinic shall be organized to provide quality, effective and efficient PEME services for overseas work applicants.

a. Personnel

Every clinic shall have an adequate number of qualified, trained and competent staff depending on the workload and the services being provided to ensure efficient and effective delivery of PEME services.

1. All clinical, technical and support staff shall be physically present during hours of clinic operations.
2. The following are the minimum personnel required on a full time basis.

a. Staff from clinical services shall be composed of, but are not limited to, the following:

1. Head or Medical Director of the facility

Every clinic shall have a medical director who is a duly licensed physician of the Professional Regulation Commission (PRC) and who shall oversee the overall medical operations of the clinic.

2. Examining Physician(s)

An examining physician shall be duly licensed by PRC.

3. Registered Nurse

A nurse, duly licensed by PRC, shall assist the examining physician in the following, but not limited to: taking the medical history, weight, height and vital signs of the applicant, taking the cardiogram and conducting pre-and post-HIV test counseling.

4. Psychologist(s)

A psychologist shall comply with R.A. No. 10029, "Philippine Psychology Act of 2009: and DOH standards and requirements.

5. Psychometrician(s)

A psychometrician shall comply with R.A. No. 10029, "Philippine Psychology Act of 2009" and DOH standards and requirements.