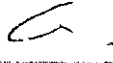


THIRTEENTH CONGRESS OF THE REPUBLIC)
 OF THE PHILIPPINES)
 First Regular Session)

5 JAN 24 P5:05

RECEIVED BY: 

SENATE

S. No. 1886

Introduced by Senator Juan M. Flavio

EXPLANATORY NOTE

Acupuncture is one of the oldest, most commonly used medical procedure in the world which originated in China more than 2,000 years ago.

The term acupuncture describes a family of procedure involving stimulation of anatomical parts of the body by a variety of techniques. The acupuncture technique that has been most studied scientifically involves penetrating the skin with thin, solid, metallic needles that are manipulated by the hand or by electrical stimulation.

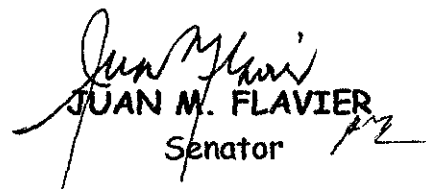
As to the efficacy of acupuncture, according to the US National Institutes of Health Consensus Statement on Acupuncture, there have been many studies on acupuncture's potential usefulness. Promising results have emerged, showing efficacy of acupuncture, for example, in adult postoperative and chemotherapy nausea and vomiting and in postoperative dental pain. There are other situations - such as addiction, stroke rehabilitation, headache, menstrual cramps, tennis elbow, myofascial pain, osteoarthritis, low-back pain, carpal tunnel syndrome, and asthma - in which acupuncture may be useful as an adjunct treatment or an acceptable alternative or be included in a comprehensive management program. Another US Study showed that acupuncture provides pain relief, improves function for the people with osteoarthritis of the knee, and serves as an effective complement to standard care. It is even used to lose weight.

In China, though, acupuncture is already a part and parcel of their lives and been used in almost all ailments. Acupuncture is one of the key components of the traditional Chinese medicine (TCM). In the TCM system of medicine, the body is seen as a delicate balance of two opposing and inseparable forces: yin and yang. Among the major assumptions in TCM are

that health is achieved by maintaining the body in a "balanced state" and that disease is due to an internal imbalance of yin and yang. It is believed that there are 12 main meridians and 8 secondary meridians and that there are more than 2,000 acupuncture points on the human body that connect them.

In the Philippines, acupuncture has also been widely used and its efficacy is proven in some ailments, especially to relieve pain. The potential of acupuncture as an alternative health modality is very high which would benefit a great number of Filipinos. In this regard, this bill seeks to professionalize the practice of acupuncture by creating a Board of Acupuncture within the Professional Regulation Commission. This idea is not new as similar Boards have been established in many countries all over the world. The Board will establish, among others, the standards in the practice of acupuncture.

Thus, in order to benefit from the many potentials of acupuncture as an alternative health modality, passage of this bill is earnestly requested.


JUAN M. FLAVIER
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
FIRST REGULAR SESSION }

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SENATE OF THE PHILIPPINES

S. NO. 1886

Introduced by Senator Juan M. Flavio

**AN ACT
TO ACCELERATE THE DEVELOPMENT AND REGULATION OF THE
PRACTICE OF ACUPUNCTURE IN THE PHILIPPINES, PROVIDING FOR
AN ACUPUNCTURE TRUST FUND AND OTHER PURPOSES**

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

SECTION 1. Short Title. – This Act shall be known as the Acupuncture Act of 2005.

**ARTICLE I
GUIDING PRINCIPLES**

SECTION 2. Declaration of Policy. – It is hereby declared the policy of the State to promote the health, safety and welfare of the Filipino people by improving the quality and delivery of health services through the development of an orderly system of Acupuncture regulation and valid, effective means of establishing licensing requirements.

SECTION 3. Objectives. – The objective of this Act are as follows:

- a) To professionalize the practice of acupuncture through the development of standards and guidelines on acupuncture training/education and its ethical practice.
- b) To promote scientific research on the safety and efficacy, uses and limitations of Acupuncture.
- c) To promote acupuncture as a healing science and art.
- d) To establish the Philippine Board of Acupuncture under the Professional Regulations Commission (PRC).
- e) To establish a regulatory mechanism on the practice of acupuncture.

- f) Encourage the establishment of acupuncture schools and courses.
- g) To formulate policies to strengthen the role of Acupuncture in the health care delivery system.

ARTICLE II

DEFINITION OF TERMS

SECTION 4. Definition of Terms. – For the purposes of this Act:

- a) *Acupuncture* means a form of health care developed from traditional and modern Oriental medical concepts that employ Oriental medicine diagnosis and treatment, and adjunctive therapies and diagnostic techniques, for the promotion, maintenance and restoration of health and the prevention of disease.
- b) *Acupuncturist* means the person practicing acupuncture.
- c) *Board* means the Philippine Board of Acupuncture. This is the body organized under the Professional Regulation Commission tasked with the licensing of acupuncture practitioners.
- d) *Practice of Acupuncture* means the insertion of acupuncture needles with or without the application of moxibustion to specific areas of the human body as a primary mode of therapy based upon Oriental medical diagnosis. Adjunctive therapies within the scope of acupuncture may include manual, mechanical, thermal, electrical, and electromagnetic treatment, and the recommendation of dietary guidelines and therapeutic exercise based on traditional Oriental medicine concepts.
- e) *Moxibustion* means a form of adjunct therapy to acupuncture involving the application of heat on certain parts of the body.
- f) *PITACH* is the Philippine Institute for Traditional and Alternative Health Care established under the Republic Act No. 8423.

ARTICLE III

PRACTICE OF ACUPUNCTURE WITHOUT A LICENSE PROHIBITED

SECTION 5. Exemption. - It is unlawful to practice acupuncture without a license pursuant to this Act. This restriction does not apply, however, to the following:

- a) *Other health care professionals practicing within the scope of their license or existing laws and rules by duly recognized professional regulatory bodies.*
- b) *A student practicing acupuncture under the direct supervision of a licensed acupuncturist as part of a course of study approved by the Board.*
- c) *Visiting foreign professors of Acupuncture working within duly recognized training or academic institutions.*

SECTION 6. Penalty. - Violation of Section 5 shall be punishable by imprisonment of up to two years, a fine, or both.

ARTICLE IV

THE PHILIPPINE ACUPUNCTURE BOARD

SECTION 7. The Board. - The Philippine Board of Acupuncture shall be attached to the Professional Regulation Commission.

SECTION 8. Membership. - The Board shall consist of five (5) members appointed by the President of the Republic of the Philippines based on the recommendations of the Director General of the Philippine Institute for Traditional and Alternative Health Care (PITAHC). Three (3) of the members shall be licensed to practice acupuncture in the Philippines, preferably with grassroots orientation, and two (2) members shall be licensed medical doctors who uses acupuncture in his/her practice. The three non-medical acupuncturists initially appointed need not be licensed at the time of selection but must meet all qualifications for a license.

SECTION 9. Appointment. - All members shall be appointed for five years; however, for the initial implementation of this law, three (3) members shall serve for five (5) years and two (2) members for three (3) years. No person may serve more than two consecutive full terms as a member of the Board.

SECTION 10. Board Chair and Secretary. - At the Board's first meeting each year, the members shall choose one member to Chair the Board for the year and another to serve as Secretary. No person may Chair the Board for more than three (3) consecutive years.

SECTION 11. Meetings. - The Board shall meet at least once every year. The Board shall meet at other times as needed to perform its duties or upon instructions from the Chairperson of the Professional Regulation Commission.

SECTION 12. Compensation. - Members of the Board are entitled to compensation and to reimbursement for travel and substance charged to the Acupuncture Fund.

SECTION 13. Powers and Function of the Board. - The Board shall exercise the following powers and functions:

- a) Adopt rules and mechanisms to implement this Act.
- b) Issue advisory opinions interpreting this Act.
- c) Prescribe the standards and requirements on the training and education for the practice of Acupuncture.
- d) Prescribe appropriate standards and requirements for the licensing of acupuncturists, and update these from time to time.
- e) Issue, suspend, and revoke licenses, collect fees, investigate violations of this Act, and otherwise administer the provisions of this Act.
- f) Employ such personnel as may be needed to carry out its functions.
- g) Create such committee or committees and appoint members thereof as may be necessary for the attainment of the objectives of this Act.
- h) Exercise such other powers and functions and perform such other acts as may be necessary for the attainment of the objectives of this Act, or as may be delegated by the Chair of the Professional Regulation Commission.
- i) Adopt and use a seal to authenticate official documents of the Board.

- j) Sue to enjoin violations of this Act. An injunction may be issued even though no person has yet been injured as a result of the unauthorized practice of Acupuncture.
- k) Set and collect necessary fees from applicants and deposit this to the Acupuncture Trust Fund.
- l) Administer the Acupuncture Trust Fund.
- m) Expend funds from the Acupuncture Trust Fund or other funds from revenues generated by fees collected under this Act and interest earned thereon which is necessary to carry out the provisions of this Act.

SECTION 14. Powers and Functions of the Board Chairperson. -

The Chairperson of the Board shall have the following powers and functions:

- a) Exercise overall supervision over the activities of the *Philippine Acupuncture Board*.
- b) Execute contracts, incur obligations, acquire and dispose of assets and deliver documents on behalf of the Board.
- c) Exercise such other powers and functions as may be determined by the Board.

SECTION 15. Services of Private and Government Personnel. - The Board may, for the purposes of its activities, secure the services of scholar's researchers, scientists, acupuncture practitioners and technical personnel of any private or government agency. Such personnel may be paid such honoraria as may be fixed and authorized by the Board.

SECTION 16. Relationship with the Professional Regulation Commission. - The Board shall be attached under the organizational set-up of the PRC and the authority of the Chairperson of the PRC. *The PRC shall provide the necessary administrative, technical and physical support to the Board and provide an appropriate office space, staff and equipment during the initial organization of the Board, until such time that the Board has been provided with the necessary permanent personnel according to the provisions of this Act.*

SECTION 17. Hiring of Personnel. - As per the Board's requirements, the PRC shall undertake the necessary steps and preparations for the development of plantilla positions and filling-up of such positions, following the usual government rules and regulations and in accordance with the provisions of the Salary Standardization Law.

ARTICLE V
QUALIFICATIONS FOR LICENSE

SECTION 18. Requirements for Licensing.- An applicant must provide the following:

- a) Duly completed application form
- b) NBI clearance
- c) Proof of Filipino citizenship
- d) Proof of successful completion of a two (2) year post-secondary training program or Acupuncture school program from an institution duly recognized or accredited by the Board or the PITAHC.
- e) Proof of apprenticeship under a licensed Acupuncturist or an institution duly recognized or accredited by the Board.
- f) Successful completion of a PITAHC approved Clean Needle Techniques Course.
- g) Pass the Written/Theoretical examinations given by the Board.
- h) Pass the Practical/Clinical examinations conducted by committees duly constituted and deputized by the Board for such purposes.

SECTION 19. Exemptions. - The Board shall wave the requirements in Section 18 and shall grant an Acupuncture License to all duly licensed medical doctors using acupuncture in their practice upon presentation of proof of completion of a Board approved or Department of Health/PITAHC organized or approved Acupuncture training and/or apprenticeship program of not less than 200 hours and successful completion of a PITAHC approved Clean Needles Technique Course.

SECTION 20. License Renewal. - The License to practice acupuncture must be renewed every three (3) years. To renew a license, a person must submit proof of compliance with the required Continuing Professional Education (CPE) Units prescribed by the PRC, from a Board accredited CPE or Continuing Acupuncture Education provider.

ARTICLE VI
PROHIBITED ACTIVITIES

SECTION 21. Prohibited Activities. - The Board may deny, suspend, and revoke a license. Require remedial education, or issue a letter of reprimand, if an applicant or licensed acupuncturist:

- a) Engages in false or fraudulent conduct which demonstrates an unfitness to practice acupuncture, including, but not limited to :
 - i. Misrepresentation in connection with an application for a license or an investigation by the Board;
 - ii. Attempting to collect fees for services not performed;
 - iii. False advertising, including guaranteeing a cure; or
 - iv. Dividing, or agreeing to divide, a fee for acupuncture services with anyone referring the patient.
- b) Fails to exercise proper control over one's practice by:
 - i. Aiding an unlicensed person in practicing acupuncture not under an apprenticeship arrangement/program;
 - ii. Delegating professional responsibilities to a person the acupuncturist knows is not qualified to perform acupuncture; or
 - iii. Failing to exercise proper control over unlicensed personnel working with the acupuncturist in the practice.
- c) Fails to maintain proper patient record.
- d) Fails to display proper care for a patient, including:
 - i. Abandoning or neglecting a patient without making reasonable arrangements for the continuation of care;
 - ii. Failure to refer to an appropriate medical doctor patients manifesting life threatening signs and symptoms;
 - iii. Exercising, or attempting to exercise, undue influence within the acupuncturist-patient relationship by making sexual

advances or requests for sexual activity, or making submission to such conduct a condition of treatment.

- e) Displays habitual substance abuse or mental impairment to such degree as to interfere with the ability to provide safe and effective treatment.
- f) Is convicted or pleads guilty or no contest to any crime which demonstrates an unfitness to practice acupuncture .
- g) Negligently fails to practice acupuncture with the level of skill recognized within the profession as acceptable under such circumstances.
- h) Willfully violates any provisions of this Act or rule of the Board.

ARTICLE VII

USE OF TITLES AND DISPLAY OF LICENSE

SECTION 22. Use of Titles. - The titles "LICENSED ACUPUNCTURIST" and "ACUPUNCTURIST" may be used by, and only used by, persons licensed under this Act. Possession of a license under this Act does not by itself entitle a person to identify himself/herself as a doctor or physician, unless he/she is also a licensed medical doctor.

SECTION 23. Display of License. - Each person licensed to practice Acupuncture shall post the license in a conspicuous location at the acupuncturist's place of practice.

ARTICLE VIII

PROMOTION OF ACUPUNCTURE

SECTION 24. Information and Education Campaigns. - The PITAHC shall undertake advocacy and promotion activities on Acupuncture using its own funds. All such activities shall be in coordination or in compliance with the pronouncements of the Philippine Acupuncture Board in any of the advocacy and promotion of Acupuncture to the public, practitioners, academic and training institutions, and other interest groups.

ARTICLE IX
ACUPUNCTURE TRUST FUND

SECTION 25. Trust Fund. - To implement the provisions of this Act, there is hereby created an Acupuncture Trust Fund, which shall be used exclusively for the activities of the Board, in the amount of three (3) million pesos (P3,000,000.00) or such other amount determined annually under the General Appropriations Act.

ARTICLE X
TRANSITORY PROVISIONS

SECTION 26. Appointment of the Philippine Acupuncture Board. - Within forty-five (45) days from the effectivity of this Act, the President of the Philippines shall appoint the Board based on the recommendations of the PITAHC.

SECTION 27. Implementing Rules and Regulations. - Within forty-five (45) days from the completion of such appointments the Board shall convene, in coordination with the PRC and PITAHC, to formulate the rules and regulations necessary for the implementation of this Act. Said rules and regulations shall be issued within one hundred and eighty (180) days from the Board's initial meeting.

ARTICLE XI
MISCELLANEOUS PROVISIONS

SECTION 28. Repealing Clause. - All laws, decrees, executive orders, including their implementing rules and regulations inconsistent with the provisions of this Act. Are amended, repealed or modified accordingly.

SECTION 29. Reparability Clause. - If any provision of this Act is declared unconstitutional or invalid, other provisions thereof, which are not affected thereby, shall continue in full force and effect.

SECTION 30. Effectivity. - This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.