

STATE OF PHILIPPINES

10 AUG -1 1952

SENATE
S. No. 2252

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Section 15 provides that:

“The State shall protect and promote the right to health of the people and instill health consciousness among them.”

Acupuncture first became popular in the Philippines in the 1970s, after former US President Richard Nixon’s China visit sparked a new openness to all things Chinese. Since then, the study of acupuncture and interest in the art has grown steadily. Today, although orthodox Western medicine remains cautious about it, it is one of the most widely accepted among the “alternative” health systems, and numerous acupuncture clinics have emerged in recent years.

This alternative medicine is favored because of the following reasons: it has fewer side effects; it entails a simple procedure; it cures a wide range of diseases; and is known to have good curative effects compared with other mode of treatments. However, if the procedure is not performed accurately, it could be harmful for the patient. Hence, there is a need to regulate the practice of acupuncture in order to ensure that only licensed acupuncturists can perform the treatment.

This bill seeks to regulate the practice of acupuncture for the purpose of protecting the health, safety, and welfare of the citizens while making this healing art available to those who seek it.¹


MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed in the Thirteenth Congress, Third Regular Session.

OFFICE OF THE CLERK
10 MAY 2012

SENATE
S. No. 2252

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 TO REGULATE THE PRACTICE OF ACUPUNCTURE, CREATING FOR THIS
3 PURPOSE AN ACUPUNCTURE BOARD

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

4 SECTION 1. *Short Title.* This act may be cited as the "Acupuncture Act".

5 SECTION 2. *Declaration of policy.* The State shall protect and promote the right to
6 health of the people and instill health consciousness among them.

7 SECTION 3. *Definition of Terms.* As used in this Act unless the context indicates
8 otherwise, the following definition of terms shall be adopted:

9 (1) "Acupuncture" means a form of primary health care, based on traditional
10 Chinese medical concepts and modern oriental medical techniques, that employs
11 acupuncture diagnosis and treatment, as well as adjunctive therapies and diagnostic
12 techniques, for the promotion, maintenance, and restoration of health and the prevention
13 of disease. Acupuncture shall include, but not be limited to, the insertion of acupuncture
14 needles and the application of moxibustion to specific areas of the human body and the
15 use of electroacupuncture, Qi Gong, oriental massage, herbal therapy, dietary guidelines,
16 and other adjunctive therapies, as defined by board rule;

17 (2) "Acupuncturist" means any person licensed to practice acupuncture as a
18 primary health care provider;

19 (3) "Board" means the Board of Acupuncture;

20 (4) "License" means the document of authorization issued by the Department for
21 a person to engage in the practice of acupuncture.

1 (5) "Department" means the Department of Health.

2 (6) "Oriental medicine" means the use of acupuncture, electroacupuncture, Qi
3 Gong, oriental massage, herbal therapy, dietary guidelines, and other adjunctive
4 therapies.

5 (7) "Prescriptive rights" means the prescription, administration, and use of needles
6 and devices, restricted devices, and prescription devices that are used in the practice of
7 acupuncture and oriental medicine.

8 SECTION 4. *Creation of the Board of Acupuncture.* - The Board of Acupuncture is
9 hereby created within the Department and shall consist of seven members, to be appointed by the
10 Secretary. Five members of the board must be licensed acupuncturists. Two members must be
11 laypersons who are not and who have never been acupuncturists or members of any closely
12 related profession. Members shall be appointed for 4-year terms or for the remainder of the
13 unexpired term of a vacancy.

14 The board has the authority to adopt rules in order to implement the pertinent provisions
15 of this Act.

16 The board shall adopt rules relating to application procedures for inactive status, renewal
17 of inactive licenses, and reactivation of licenses. The board shall prescribe by rule an application
18 fee for inactive status, a renewal fee for inactive status, a delinquency fee, and a fee for the
19 reactivation of a license.

20 SECTION 5. *Licensure requirements and fees.* - It is unlawful for any person to practice
21 acupuncture unless such person has been licensed by the board. A person may become licensed
22 to practice acupuncture if the person applies to the department and:

23 (a) Is 21 years of age or older and has good moral character;

24 (b) Has completed 60 hours of training and study in acupuncture and oriental
25 medicine from an accredited institution which meets standards established by the Board;

26 (c) Has successfully completed a board-approved national certification process,
27 passes an examination administered by the department, which tests the applicant's
28 competency and knowledge of the practice of acupuncture and oriental medicine. The

1 examination shall include a practical examination of the knowledge and skills required to
2 *practice modern and traditional acupuncture and oriental medicine, covering diagnostic*
3 *and treatment techniques and procedures; and*

4 (d) Pays the required fees set by the board by rule not to exceed the following
5 amounts:

6 1. Examination fee: Php 500 per applicant.

7 2. Licensure fee: Php 1,000 per qualified applicant.

8 SECTION 6. Prohibited acts. -No person shall:

9 (a) Practice acupuncture unless the person is licensed by the Board pursuant to
10 this Act;

11 (b) Present as his or her own the license of another;

12 (c) Knowingly give false or forged evidence to the board or a member thereof;

13 (d) Use or attempt to use a license that has been suspended, revoked, or placed on
14 inactive or delinquent status;

15 SECTION 7. *Penalties.* - Any person who violates any provision of this Act shall be
16 punished with imprisonment of not less than three (3) years or more than eight (8) years, or a
17 fine of not less than Ten thousand pesos (Php 10,000.00), but not more than Fifteen thousand
18 pesos (Php 15,000.00), or both, at the discretion of the Court.

19 SECTION 8. *Separability Clause.* - If any portion or provision of this Act is declared
20 unconstitutional, the same shall not affect the validity and effectivity of the other provisions not
21 affected thereby.

22 SECTION 9. *Repealing Clause.* - All laws, decrees, executive orders, rules and
23 regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby
24 repealed, amended, or modified accordingly.

25 SECTION 10. *Effectivity.* - This Act shall take effect fifteen (15) days following its
26 publication in two (2) national newspapers of general circulation.

27 Approved,