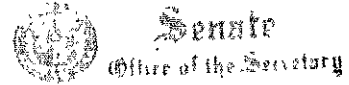


SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



13 JUL 18 P1:40

SENATE

S. NO. 907

BY:

Introduced By Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

On June 21, 1969, Republic Act 5680, An Act Creating the Board for Physical Therapists and Occupational Therapists was approved. Unlike all other regulatory acts that enforce the laws on one profession, Republic Act 5680 was created to regulate two different allied health professions, Physical therapy and Occupational therapy. Since then, said act had never been amended to respond to current global trend and national development.

Physical therapy is a separate and distinct profession from Occupational therapy by definition, scope of practice and educational requirements. Physical therapy has its own professional association, the Philippine Physical Therapy Association (PPTA) which is duly accredited by the Professional Regulation Commission (PRC) and duly-registered with the Securities and Exchange Commission (SEC). The association is well recognized as a member of the World Confederation of Physical Therapists and Asian Confederation for Physical Therapy. Likewise, Occupational therapy has a separate and distinct professional association, the Occupational Therapy Association of the Philippines, Inc. (OTAP) which is duly accredited by the PRC and duly registered by the SEC and well recognized and accepted as a member of -the World Federation of Occupational Therapists (WFOT) since 1908.

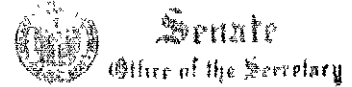
In the event of the approval of the General Agreement of Trade in Services (GATS) and its implementation in the ASEAN region in so far as the business service sector which includes professional services is concerned, the already marketable Filipino physical therapists and occupational therapists will be further catapulted to overseas employment, Global demand tempered by national and regional economic constraints, new immigration laws and international competition is fast requiring more quality in health care professionals, including physical therapists and occupational therapists. It then becomes imperative to align regulatory functions, such as professional standards and competencies, among physical therapists only and separate them only from those for occupational therapists.

Thus, this bill seeks the amendment of R.A. 5680 for the purpose of upgrading and updating the competence, knowledge, skills and attitudes of the Filipino occupational therapists and physical therapists to make them globally competitive and nationally accessible to the disabled population of the Philippines.

It is for these reasons that the approval of this bill is earnestly sought.

ANTONIO "SONNY" F. TRILLANES IV
Senator

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



'13 JUL 18 P1:42

SENATE

S. NO. 907

RECEIVED BY:

Introduced By Senator Antonio "Sonny" F. Trillanes IV

AN ACT
REGULATING THE REGISTRATION, LICENSURE AND PRACTICE OF
OCCUPATIONAL THERAPY, PROVIDING FUNDS THEREFOR AND FOR OTHER
PURPOSES

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

ARTICLE I

TITLE, DECLARATION OF POLICY AND DEFINIT ON OF TERMS

SECTION I. *Short Title.* This Act shall be known as the "*Philippine Occupational Therapy Law*".

SEC. 2. *Statement of Policy.* The State recognizes the importance of occupational therapists in nation building. Hence, it shall develop and nurture competent, virtuous, productive, and well-rounded occupational therapists whose standards of practice and service shall be excellent, world class and globally competitive through inviolable, honest, effective and credible licensure examinations and through regulatory measures, programs and activities that foster their continuing professional growth.

SEC. 3. *Definition of Terms.* - As used in this Act, the following terms shall mean:

(a) *Occupational Therapy* is a health discipline which is concerned with people whose ability to function in daily life has been temporarily or permanently disrupted by

1 physical, psychosocial or developmental illness, injury, or condition, social
2 disadvantage, or the aging process.

3 (b) *The Scope and Nature of Practice of Occupational Therapy* shall embrace,
4 but shall not be limited to, the analysis and application of activities specifically
5 directed to occupational performance in the areas of self-care, work, play and
6 leisure. Reference to occupation is in the context of the individual's goal-directed
7 use of time, energy, interest, and attention. Through assessment, interpretation,
8 and intervention, occupational therapists address problems impeding functional or
9 adaptive behavior in order to prevent disability, and to promote, maintain, or
10 restore occupational performance, health, and psychosocial well-being.
11 Occupational therapy can be part of the health services in hospitals; community
12 settings such as residential, vocational and leisure centers, schools, day programs,
13 private agencies, clinics, the work place, and other organizations which provide
14 rehabilitation or preventive services, both within and outside the medical model.

15 (c) *Occupational Therapist* refers to a person who is a holder of a valid certificate of
16 registration/professional license and professional identification card issued by
17 the Professional Regulatory Board of Occupational Therapy and the Professional
18 Regulation Commission and who is legally qualified to practice occupational
19 therapy in the Philippines pursuant to this Act.

21 ARTICLE II

22 CREATION OF THE PROFESSIONAL REGULATORY BOARD OF 23 OCCUPATIONAL THERAPY

24 **SEC. 4. *Creation and Composition of the Board.*** - There is hereby created a
25 Professional Regulatory Board of Occupational Therapy, hereinafter called the Board, under the
26 administrative supervision of the Professional Regulation Commission, hereinafter referred to as

1 the Commission, to be composed of a Chairperson and two (2) members who shall be appointed
2 by the President of the Philippines from a list of two (2) recommendees for each position chosen
3 and ranked by the Commission and three (3) nominees for each position submitted by the
4 accredited professional organization of occupational therapists. The Board shall be organized not
5 later than six (6) months from the effectivity of this Act.

6
7 **SEC. 5. Powers and Functions of the Board.** - The Board shall have the following
8 powers and functions:

- 9 (a) Promulgate, administer and enforce rules and regulations necessary for carrying
10 out the provisions of this Act;
- 11 (b) Supervise and regulate the registration, licensure and practice of occupational
12 therapy in the Philippines;
- 13 (c) Administer oaths in connection with the administration of this Act;
- 14 (d) Adopt an official seal of the Board;
- 15 (e) Maintain a roster of occupational therapists indicating therein the basic
16 information about the registered professionals;
- 17 (f) Issue, reinstate, suspend or revoke the certificate of registration/professional
18 license or cancel special permits for the practice of occupational therapy;
- 19 (g) Monitor the conditions affecting the practice of occupational therapy and adopt
20 such measures as may be deemed proper for the enhancement of the profession
21 and/or maintenance of high professional and ethical standards;
- 22 (h) Ensure, in coordination with the Commission on Higher Education (CHED), that
23 all educational institutions offering occupational therapy education comply with
24 the policies, standards, and requirements of the course prescribed by CHED in the
25 areas of curriculum, faculty, library and facilities;

- 1 (i) Prescribe and/or adopt a Code of Ethics and Standards of Practice for
2 Occupational Therapy;
- 3 (j) Hear or investigate any violations of this Act, its implementing rules and
4 regulations and the Code of Ethics for occupational therapists and for this
5 purpose, to issue *subpoena duces tecum* to secure the appearance of the witnesses
6 and the production of documents in connection therewith: *Provided*, that the
7 decision of the Board shall, unless appealed to the Commission, become final and
8 executory after fifteen (15) days from receipt of judgment or decision;
- 9 (k) Prescribe guidelines and criteria in the Continuing Professional Education (CPE)
10 program for occupational therapists;
- 11 (l) Prepare, adopt, and issue the syllabi or tables of specifications of the subjects for
12 examination in consultation with the academe; determine and prepare the
13 questions for the licensure examinations which shall strictly be within the scope
14 of the syllabus or the table of specifications of the subject for examination; score
15 and rate the examination papers, and submit the results in all subjects within ten
16 (10) days from the last day of the examination unless extended by the
17 Commission for justifiable causes;
- 18 (m) Adopt a program for the full computerization of the licensure examination;
- 19 (n) Grant registration without examination subject to approval by the Commission;
- 20 (o) Issue permits to persons admitted to the practice of occupational therapy for a
21 specific duration of time, and certificates of recognition for advanced studies,
22 researches, and accomplishments that contribute to the enrichment of the
23 profession;
- 24 (p) Perform such other powers and functions as it may deem necessary to carry out
25 the objectives of this Act.

1 The policies, resolutions, rules and regulations, orders or decisions issued or promulgated by the
2 Board shall be subject to the review and approval of the Commission.

3
4 **SEC. 6. *Qualifications of the Members of the Board.*** - The Chairperson and members
5 of the Board shall, at the time of their appointment possess the following qualifications:

- 6 (a) Must be a natural born citizen and resident of the Philippines;
- 7 (b) Must be a duly registered occupational therapist under this Act, with a valid
8 certificate of registration and professional license;
- 9 (c) Must be a member of good standing of the accredited organization of occupational
10 therapists;
- 11 (d) Must not have any pecuniary interest, directly or indirectly, in any school,
12 academy, college, university or institution conferring an academic degree necessary
13 for admission to the practice of occupational therapy or where review classes in
14 preparation for the licensure examination are being offered or conducted, nor shall
15 he/she be a member of the faculty or of the administration thereof at the time of
16 his/her appointment to the Board; and
- 17 (e) Must not have been convicted by any competent court of an offense involving
18 moral turpitude.
- 19

20 **SEC. 7. *Term of Office.*** - The Chairperson and members of the Board shall hold office
21 for a term of three (3) years or until their successors shall have been appointed and duly
22 qualified; *Provided*, that members of the first appointed Board shall hold office as follows: One
23 (1) member as Chairperson for three (3) years, one (1) member for two (2) years and one (1)
24 member for one (1) year.

25 The Chairperson or member of the Board may be reappointed for another term but in no
26 case shall he/ she serve continuously for more than six (6) years. Any vacancy in the Board shall

1 he filled for the unexpired portion of the term only. Each member of the Board shall
2 automatically be registered as occupational therapist and issued certificate of
3 registration/professional license and professional identification card and, shall take the proper
4 oath of office prior to assumption of duty.

5
6 **SEC. 8. *Compensation and Allowances of the Board.*** - The Chairperson and members
7 of the Board shall receive compensation and allowances comparable to that being received by the
8 chairpersons and members of existing regulatory boards under the Commission as provided for
9 in the General Appropriations Act.

10
11 **SEC. 9. *Removal of Board Members.*** - Any member of the Board may, upon the
12 recommendation of the Commission and after due process, be suspended or removed by the
13 President for cause such as gross neglect of duty, incompetence, malpractice, unprofessionalism,
14 immorality, unethical or dishonorable conduct, final judgment of crimes involving moral
15 turpitude, and manipulation or rigging of the licensure examination results, disclosure of secret
16 and confidential information in the examination questions prior to the conduct of the said
17 examination or tampering of grades.

18
19 **SEC. 10. *Supervision of the Board, Custodian of its Records, Secretariat and Support***
20 ***Services.*** - The Board shall be under the administrative supervision of the Commission. All
21 records of the Board, including applications for examination, examination papers and results,
22 minutes of deliberation, administrative cases, and other investigation involving occupational
23 therapists shall be kept by the Commission.

24 The Commission shall designate the Secretary of the Board and shall provide the
25 Secretariat and other support services to implement the provisions of this Act.

1 3. To approve the accreditation of clinical fieldwork centers or facilities used for the
2 education and training of occupational therapy student and interns.

3 4.

4 **SEC. 14. *Compensation and Traveling Expenses.*** - The Technical Panel on
5 Occupational Therapy Education shall meet at least once a month for regular business, and as
6 often as the Technical Panel may decide. The chair and members shall be entitled to traveling
7 expenses and accommodation in connection with their official duties in accordance with existing
8 rules and regulations.

10 **ARTICLE IV**

11 **LICENSURE EXAMINATION AND REGISTRATION**

12 **SEC. 15. *Examination Required.*** - All applicants for registration for the practice of
13 occupational therapy shall be required to undergo a licensure examination to be given by the
14 Board in such places and dates as the Commission may designate subject to compliance with the
15 requirements prescribed by the Commission.

16
17 **SEC. 16. *Qualification for Examination.*** - An applicant for the licensure examination
18 for occupational therapists shall establish to the satisfaction of the Board that he/she has met the
19 following qualifications:

- 20 (a) A citizen of the Philippines or a foreigner whose country has a reciprocity
21 agreement with the Philippines;
- 22 (b) Has not been convicted of an offense involving moral turpitude;
- 23 (c) Must be a graduate of a Bachelor of Science in Occupational Therapy degree from a
24 school, college or university in the Philippines or abroad whose occupational
25 therapy program is recognized by the Commission on Higher Education.

1 **SEC. 17. *Scope of Examination.*** - The licensure examination for occupational
2 therapists shall cover the following subjects:

3 I. Basic Sciences

- 4 a. Anatomy
- 5 b. Kinesiology
- 6 c. Physiology
- 7 d. Pathology

8 II. Clinical Sciences

- 9 a. Medical Conditions
- 10 b. Surgical Conditions
- 11 c. Medical Psychology
- 12 d. Growth and Development

13 III. Theory and Practice

- 14 a. Physical Dysfunction
- 15 b. Psychiatric Dysfunction
- 16 c. Organization, Administration, and Ethics
- 17 d. Frames of Reference

18 The Board, subject to approval by the Commission, may revise or exclude any of the
19 subjects or add new ones as the need arises and may adjust or modify the percentage weight of
20 the subjects.

21
22 **SEC. 18. *Report of Ratings.***- The Board shall elevate to the Commission the ratings
23 obtained by each candidate within ten (10) calendar days after the examination, unless extended
24 for just cause.

1 **SEC. 19. *Ratings in the Examination.*** - To be qualified as having passed the licensure
2 examination for occupational therapists, a candidate must have obtained a general average of
3 seventy-five percent (75%), with no grade lower than sixty percent (60%) in any given subject.
4 However, an examinee who obtains a rating below sixty percent (60%) in any given subject,
5 must take the examination in the subject or subjects where he obtained a grade below sixty
6 percent (60%) within two (2) years from the date of his last examination. The subject or subjects
7 retaken must have each a rating of no less than seventy—five percent (75%) in order to qualify
8 as having passed the examination.

9 An applicant who fails the licensure examinations after the third attempt shall be required
10 to complete a refresher course in an approved occupational therapy school. The applicant shall
11 be required to provide proof of completion of such course before admission to a fourth
12 examination.

13
14 **SEC. 20. *Issuance of the Certificate of Registration/ Professional License and***
15 ***Professional Identification Card.*** - A certificate of registration/professional license shall be
16 issued to examinees who pass the licensure examination for occupational therapists subject to
17 payment of fees prescribed by the Commission. The certificate of registration/professional
18 license shall bear the signature of the Chairperson of the Commission and the members of the
19 Board, stamped with the official seal, indicating that the person named therein is entitled to
20 practice the profession with all the privileges appurtenant thereto. This certificate shall remain in
21 full force and effect until revoked or suspended in accordance with this Act.

22 A professional identification card bearing the registration number, date of issuance,
23 expiry date, duly signed by the Chairperson of the Commission, shall likewise be issued to every
24 registrant who has paid the required registration fees.

1 **SEC. 21. *Refusal to Register.*** - The Board shall not register any successful examinee
2 who has been convicted by a court of competent jurisdiction of any criminal offense involving
3 moral turpitude or has been found guilty of immoral or dishonorable conduct after investigation
4 by the Board, or has been declared to be of unsound mind. The reason for the refusal shall be set
5 forth in writing.

6
7 **SEC. 22. *Registration Without Examination.*** - This privilege shall be granted to
8 qualified applicants who, on the date of the effectivity of this Act, have been registered and
9 licensed to practice occupational therapy under Republic Act No. 5680 and to those who have
10 become occupational therapists by virtue of the testimonial examination given by the Civil
11 Service Commission on December 29, 1967 in the City of Manila.

12
13 **SEC. 23. *Oath of Occupational Therapists.***- All successful examinees qualified for
14 registration and all qualified applicants for registration without examination shall be required to
15 take an oath of profession before any member of the Board or any government official
16 authorized by the Commission to administer oaths, prior to entering into the practice of
17 occupational therapy in the Philippines.

18
19 **SEC. 24. *Indication of Licensure and Privilege Tax Receipt.*** - The occupational
20 therapist shall be required to indicate his/her registration/ professional license number and date
21 of issuance, the duration of validity, including the privilege tax receipt number on the document
22 he/she signs, uses or issues in connection with the practice of his/ her profession.

23
24 **SEC. 25. *Revocation or Suspension of the Certificate of Registration and***
25 ***Cancellation of Special Permit.*** - The Board may, after giving proper notice of hearing to the
26 party concerned, revoke the practitioner's certificate of registration/professional license or

1 suspend him/her from the practice of his/her profession or cancel his/her special permit for any
2 of the causes or grounds mentioned in Section 21 of this Act or for any unprofessional or
3 unethical conduct, malpractice, or violation of any of the provisions of this Act, its rules and
4 regulations, the Code of Ethics and Standards for occupational therapists.

5
6 **SEC. 26. *Reinstatement, Reissuance or Replacement of Certificate of***
7 ***Registration/Professional License.***- Two years after the date of revocation, the Board may,
8 upon application and for reasons deemed proper and sufficient, reinstate any revoked certificate
9 of registration/professional license and reissue a professional identification card, and in so doing,
10 may, in its discretion, exempt the applicant from taking another examination.

11 A new certificate of registration/professional license or special permit, to replace lost,
12 destroyed or mutilated ones may be issued subject to the rules implemented by the Board.

13
14 **SEC. 27. *Roster of Occupational Therapists.*** - The Board shall prepare, update, and
15 maintain a roster of occupational therapists which shall contain the name of each registered
16 occupational therapist, his residence and office addresses, the date of registration, and issuance
17 of certificates and other data which the Board may deem pertinent. The roster shall be open to
18 the public, copies of which shall be mailed to each person listed therein.

19
20 **SEC. 28. *Issuance of Special/Temporary Permit.*** - Special/temporary permit may be
21 issued by the Board subject to the approval by the Commission and the payment of the fees the
22 latter has prescribed and charged thereof to the following persons:

23 1) Licensed occupational therapists from foreign countries/state whose services are either
24 for a fee or free:

25 (a) If they are internationally well-known specialists or outstanding experts in any
26 branch or specialty of occupational therapy; and

1 (b) If their services are urgently needed for lack or inadequacy of available local
2 specialists/ experts or for the promotion or advancement of the practice of
3 occupational therapy through transfer of technology.

4 2) Licensed occupational therapists from foreign countries/states whose services shall be
5 free and limited to indigent patients in a particular hospital, center or clinic:

6 3) Licensed occupational therapists from foreign countries/states engaged as professors,
7 lecturers or critics in fields essential to occupational therapy education in the Philippines.

8 The permit shall, among other things, include these limitations and conditions: for a
9 period of not more than one (1) year subject to renewal, the branch or specialty of occupational
10 therapy, and the specific place of practice such as clinic, hospital, center,
11 school/college/university offering the course of occupational therapy. The Board, subject to the
12 approval by the Commission, shall prescribe rules and regulations on the implementation of this
13 particular section.

14
15 **SEC. 29. *Initial.*** -- The initials OTRP which stands for Occupational Therapists
16 Registered, Philippines shall be used following the name of the registered occupational therapist,
17 especially when signing documents pertinent to the practice of his/her profession.

18
19 **SEC. 30. *Foreign Reciprocity.*** - No foreign occupational therapist shall be admitted to
20 the examination or be given a certificate of registration/professional license and professional
21 identification card or be entitled to any of the privileges under this Act unless the country of
22 which he/she is a subject or citizen specifically permits Filipino occupational therapists to
23 practice within its territorial limits on the same basis as the subjects or citizens of such foreign
24 state or country.

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ARTICLE V

PRACTICE OF OCCUPATIONAL THERAPY

SEC. 31. *Prohibition on the Practice of Occupational Therapy.* - No person shall practice or offer to practice occupational therapy in the Philippines or offer himself/herself as occupational therapist, or use the title, word, letter, figure, or any sign tending to convey the impression that he/she is an occupational therapist, or advertise or indicate in any manner whatsoever that he/she is qualified to perform the work of an occupational therapist unless he has satisfactorily passed the licensure examination given by the Board, except as otherwise provided in this Act, and is a holder of a valid certificate of registration/professional license with a valid professional identification card or a valid temporary/special permit duly issued to him/her by the Board and the Commission.

SEC. 32. *Prohibited Acts.* - No person shall:

- (a) engage in the practice of occupational therapy by representing himself/herself as an occupational therapist without a valid certificate of registration/professional license and professional identification card or a valid temporary/special permit granted by the Board pursuant to this Act;
- (b) represent himself/herself as an occupational therapist during the time that his/her professional license is not valid or that his certificate of registration has been suspended or revoked, or that his/her temporary/special permit is cancelled;
- (c) allow anybody to use his/her certificate of registration/professional license and professional identification card or temporary/special permit as an occupational therapist to enable such unqualified individual to engage in the practice of occupational therapy;
- (d) use as his/her own the certificate of registration/professional license and professional identification card or temporary/special permit of another.

1 **SEC. 33. *Code of Ethics and Standards for Occupational Therapists.*** - The Board shall
2 adopt and promulgate the Code of Ethics and Standards for occupational therapists prescribed
3 and issued by the accredited national organization of occupational therapists.

4
5 **SEC. 34. *Continuing Professional Education (CPEJ Program).*** - All occupational
6 therapists shall abide by the requirements, rules, and regulations regarding continuing
7 professional education as promulgated by the accredited national organization of occupational
8 therapists in collaboration with the Board of Occupational Therapy.

9
10 **SEC. 35. *Integration of Occupational Therapists.*** - All occupational therapists shall be
11 integrated into one (1) national organization, which shall be recognized by the Board and by the
12 Commission as the one and only integrated and accredited association of occupational therapists.
13 An occupational therapist duly registered with the Board shall automatically become a member
14 of the integrated and accredited association of occupational therapists, and shall receive the
15 benefits and privileges appurtenant thereto, upon payment of the required fees and dues.
16 Membership in the integrated and accredited association shall not be a bar to membership in
17 other associations of occupational therapists.

18 19 **ARTICLE VI**

20 **PENAL AND FINAL PROVISIONS**

21 **SEC. 36. *Penal Provision.*** - Any person who shall violate any of the provisions of this
22 Act or any of its implementing rules and regulations as promulgated by the Board subject to the
23 approval of the Commission shall, upon conviction, be punished by a fine of not less Twenty
24 Thousand Pesos (P 20,000.00) but not more than fifty thousand (P 50,000.00) or by
25 imprisonment of not less than six (6) months or both, at the discretion of the court.

1 **SEC. 37. *Funding Provision.*** - The Chairman of the Professional Regulation
2 Commission shall immediately include in the Commission's annual budget, the amount
3 necessary to implement this Act.
4

5 **SEC. 38. *Implementing Rules and Regulations.*** - To implement the provisions of this
6 Act, the Board shall, subject to the approval of the Commission, promulgate the rules and
7 regulations and the Code of Ethics and Standards for occupational therapists within thirty (30)
8 days after the effectivity of this Act.
9

10 **SEC. 39. *Transitory Provision.*** - The existing Board of Physical Therapy and
11 Occupational Therapy shall continue to function in the interim until such time that the new and
12 separate Professional Regulatory Board of Occupational Therapy shall have been constituted
13 pursuant to this Act.
14

15 **SEC. 40. *Separability Clause.*** - If any section or provision of this Act shall be declared
16 invalid or unconstitutional, such shall not invalidate any other section or provision of this act.
17

18 **SEC. 41. *Repealing Clause.*** - All laws, decrees, orders, issuances, or parts thereof,
19 which are inconsistent with the provisions of this Act are hereby modified or superseded.
20 Republic Act No. 5680 is hereby repealed.
21

22 **SEC. 42. *Effectivity.*** - This Act shall take effect after fifteen (15) days following its
23 publication in the Official Gazette or in a major newspaper of national circulation, whichever
24 comes earlier.

Approved,