

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

7 JUL -4 P4.11

SENATE
S.B. No. 1121

RECEIVED BY: *[Signature]*

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
MIRIAM DEFENSOR SANTIAGO
[Signature]

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

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

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

5 SECTION 1. *Short Title.* This act may be cited as the "Acupuncture Act of 2007".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (c) Has successfully completed a board-approved national certification process,
5 passes an examination administered by the department, which tests the applicant's
6 competency and knowledge of the practice of acupuncture and oriental medicine.
7 The examination shall include a practical examination of the knowledge and skills
8 required to practice modern and traditional acupuncture and oriental medicine,
9 covering diagnostic and treatment techniques and procedures; and

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

12 1. Examination fee: Php 500 per applicant.

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

14 SECTION 6. *Prohibited acts.* – No person shall:

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

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

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

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

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

1 SECTION 8. *Separability Clause.* – If any portion or provision of this Act is
2 declared unconstitutional, the same shall not affect the validity and effectivity of the other
3 provisions not affected thereby.

4 SECTION 9. *Repealing Clause.* – All laws, decrees, executive orders, rules and
5 regulations, and other issuances or parts thereof which are inconsistent with this Act are
6 hereby repealed, amended, or modified accordingly.

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

Approved,

dpm/5-28-07