

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

HOUSE OF REPRESENTATIVES

OFF NO. 780

Introduced by Representative Aurelio "Dong" D. Gonzales, Jr.

EXPLANATORY NOTE

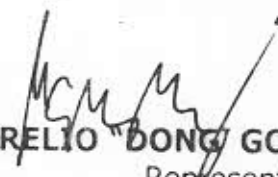
On June 21, 1969, Republic Act 5680, An Act Creating the Board for Physical Therapists and Occupational Therapists, was approved. Unlike all other regulatory acts that enforce the laws on one profession, Republic Act 5680 was created to regulate two different allied health professions, Physical therapy 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 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.


AURELIO "DONG" GONZALES, JR.
Representative
3rd District, Pampanga

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

Be it enacted by the Senate and the House of Representatives in Congress
Assembled

ARTICLE I

TITLE, DECLARATION OF POLICY AND DEFINITION OF TERMS

SECTION 1. *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 physical, psychosocial or developmental illness, injury, or condition, social disadvantage, or the aging process.
- (b) *The Scope and Nature of Practice of Occupational Therapy* shall embrace, but not limited to, the analysis and application of activities specifically directed to occupational performance in the areas of self-care, work, play and leisure. Reference to occupation is in the context of individual's goal-directed use of time, energy,

interest, and attention. Through assessment, interpretation, and intervention, occupational therapists address problems impeding functional or adaptive behavior. The purpose is to prevent disability, and to promote, maintain, or restore occupational performance, health, and psychosocial well-being. Occupational therapy can be part of the health services in hospitals; community settings such as residential, vocational and leisure centers, schools, day programs, private agencies, clinics, the work place, and other organizations which provide rehabilitation or preventive services, both within and outside the medical model.

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

ARTICLE II

CREATION OF THE PROFESSIONAL REGULATORY BOARD OF OCCUPATIONAL THERAPY

SEC. 4. *Creation and Composition of the Board.* - There is hereby created a Professional Regulatory Board of Occupational Therapy, hereinafter called the Board, under the administrative supervision of the Professional Regulation Commission, hereinafter referred to as the Commission, to be composed of a Chairperson and two (2) members who shall be appointed by the President of the Philippines from a list of two (2) recommendees for each position chosen and ranked by the Commission, from a list of three (3) nominees for each position submitted the accredited professional organization of occupational therapists. The Board shall be organized not later than six (6) months from the effectivity of this Act.

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

- (a) Promulgate, administer and enforce rules and regulations necessary for carrying out the provision of this Act;
- (b) Supervise and regulate the registration, licensure and practice of occupational therapy in the Philippines;
- (c) Administer oaths in connection with the administration of this Act;

- (d) Adopt an official seal of the Board;
- (e) Maintain a roster of occupational therapists indicating therein the basic information about the registered professionals;
- (f) Issue, reinstate, suspend or revoke the certificate of registration/professional license or cancel special permits for the practice of occupational therapy;
- (g) Mood or the conditions affecting the practice of occupational therapy and adopt such measures as may be deemed proper for the enhancement of the profession and/or maintenance of high professional and ethical standards;
- (h) Ensure, in coordination with the Commission on Higher Education (CHED), that all educational institutions offering occupational therapy education comply with the policies, standards, and requirements of the course prescribed by CHED in the areas of curriculum, faculty, library and facilities;
- (i) Prescribed and/ or adopt a Code of Ethics and Standards of Practice for Occupational Therapy;
- (j) Hear or investigate any violations of this Act, its implementing rules and regulations and the Code of Ethics for occupational therapists and for this purpose, to issue *subpoena duces tecum* to secure the appearance of the witnesses and the production of documents in connection therewith: *Provided*, that the decision of the Board shall, unless appealed to the Commission become final and executory after fifteen (15) days from receipt of judgement or decision;
- (k) Prescribe guidelines and criteria in the Continuing Professional Education (CPE) program for occupational therapists;
- (l) Prepare, adopt, and issue the syllabi or tables of specifications of the subjects for examination in consultation with the academe; determine and prepare the questions for the licensure examinations which shall strictly be within the scope of the syllabus or the table of specifications of the subject for examination; score and rate the examination papers, and submit the results in all subjects within ten (10) days from the last day of the examination unless extended by the commission for justifiable causes;
- (m) Adopt a program for the full computerization of the licensure examination;
- (n) Grant registration without examination subject to approval by the Commission;

- (o) Issue permits to persons admitted to the practice of occupational therapy for a specific duration of time, and certificates of recognition for advanced studies, researches, and accomplishments that contribute to the enrichment of the profession;
- (p) Perform such other powers and functions as it may deem necessary to carry out the objectives of this Act.

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

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

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

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

The Chairperson or member of the Board may be reappointed for another term but in no case shall he/she serve continuously for more than six (6) years. Any vacancy in the Board shall be filled for the unexpired portion of the term only. Each member of the Board shall automatically be registered as occupational therapist and issued certificate of registration/professional license

and professional identification card and, shall take the proper oath of office prior to assumption of duty.

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

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

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

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

SEC. 11. *Annual Report.* - The Board shall at the close of each calendar year, submit an annual report to the Commission, giving a detailed account of its proceedings and accomplishments during the year and recommending measures to be adopted, with the end in view of upgrading and improving the conditions affecting the practice of occupational therapy in the Philippines.

ARTICLE III

THE TECHNICAL PANEL ON OCCUPATIONAL THERAPY EDUCATION

SEC. 12. *Composition.* - The Commission on Higher Education (CHED) shall organize a Technical Panel on Occupational Therapy Education, hereinafter referred to as the Technical Panel, charged with the responsibility of regulating,

standardizing and upgrading occupational therapy education in the Philippines. The Technical Panel shall be composed of no more than five (5) members including representatives from CHED and the Board, the association of deans of occupational therapy schools and the accredited professional organization of occupational therapists.

SEC. 13. *Functions of the Technical Panel.* - The objective of the Technical Panel is to establish, maintain and promote appropriate standards of quality for educational programs in occupational therapy and to provide recognition for educational programs that exceed the minimum standards for occupational therapy education. The Technical Panel shall have the following functions:

1. To promulgate rules and regulations relative to occupational therapy education in the Philippines, which shall have a binding effect for implementation by the pertinent educational institutions and entities;
2. To recognize and accredit occupational therapy programs in the different schools, colleges, and universities;
3. To approve the accreditation of clinical fieldwork centers or facilities used for the education and training of occupational therapy student and interns.

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

ARTICLE IV

LICENSURE EXAMINATION AND REGISTRATION

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

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

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

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

I. Basic Sciences

- a. Anatomy
- b. Kinesiology
- c. Physiology
- d. Pathology

II. Clinical Sciences

- a. Medical Conditions
- b. Surgical Conditions
- c. Medical Psychology
- d. Growth and Development

III. Theory and Practice

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

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

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

SEC. 19. *Ratings in the Examination.* - To be qualified as having passed the licensure examination for occupational therapists, a candidate must have obtained a general average of seventy-five percent (75%), with no grade lower than sixty percent (60%) in any given subject. However, an examinee who obtains a rating below sixty--percent (60%) in any given subject, must take the examination in the subject or subjects where he obtained a grade below sixty

percent (60%) within two (2) years from the date of his last examination. If the subject or subjects retaken must have each a rating of no less than seventy-five percent (75%) in order to qualify as having passed the examination.

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

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

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

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

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

SEC. 23. Oath of Occupational Therapists. - All successful examinees qualified for registration and all qualified applicants for registration without examination shall be required to take an oath of profession before a member of the board or any government official authorized by the Commission to

administer oaths, prior to entering into the practice of occupational therapy in the Philippines.

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

SEC. 25. *Revocation or Suspension of the Certificate of Registration and Cancellation of Special Permit.* - The Board may, after giving proper notice of hearing to the party concerned, revoke the practitioner's certificate of registration/professional license or suspend him/her from the practice of his/ her profession or cancel his /her special permit for any of the causes or grounds mentioned in Section 21 of this Act or for any unprofessional or unethical conduct, malpractice, violation of any of the provisions of this Act, its rules and regulations, the Code of Ethics and Standards for occupational therapists.

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

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

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

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

- 1) Licensed occupational therapists from foreign countries/state whose services are either for a fee or free:
 - (a) If they are internationally well-known specialists or outstanding experts in any branch or speciality of occupational therapy; and
 - (b) If their services are urgently and importantly necessary for lack or inadequacy of available local specialists/ experts or for the promotion or advancement of the practice of occupational therapy through transfer of technology.
- 2) Licensed occupational therapists from foreign countries/states whose services shall be free and limited to indigent patients in a particular hospital, center or clinic:
- 3) Licensed occupational therapists from foreign countries/states engaged as professors, lecturers or critic in fields essential to occupational therapy education in the Philippines.

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

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

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

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 by 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/lieu 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.

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

SEC. 34. *Continuing Professional Education (CPEJ) Program.* - All occupational therapists shall abide by the requirements, rules, and regulations regarding continuing professional education as promulgated by the accredited

national organization of occupational therapists in collaboration with the Board of Occupational Therapy.

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

ARTICLE VI

PENAL AND FINAL PROVISIONS

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

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

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

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

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

SEC. 41. *Repeating Clause.* All laws, decrees, orders, issuances, or parts thereof, which are inconsistent with the provisions of this Act are hereby modified or superseded. Republic Act no. 5680 is hereby repealed.

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

Approved.