

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
Third Regular Session

House Bill No. 6377



Introduced by Congressman Alfredo D. Vargas III

EXPLANATORY NOTE

It is stated in Section 15 of our Constitution that, to wit:

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

The Philippines is, arguably, a westernized country with a westernized educational system. Our medical schools teach western medicine – medical practices as it evolved in Europe and North America. There is however, a need to be more open to alternatives to western medicine.

In the 1970s, then U.S. President Richard Nixon visited China. The visit, covered in all the international media and press, sparked a curiosity and a new openness to all things Chinese. The Filipinos thus became aware, on a widespread scale, of Acupuncture.

Decades have passed and interest in, and study of, acupuncture has accelerated in the Philippines.

Orthodox western medicine, copied by our own westernized medical school system, retains a cautious attitude about acupuncture. But it has grown to be widely accepted among the "alternative" health systems. Acupuncture clinics have mushroomed in recent decades.

Acupuncture has been proven to have the following positive characteristics:

- a) The side effects are fewer;
- b) Its procedure is simple;
- c) It is a cure for a wide range of diseases;
- d) It possesses a good curative effect compared with other modes of treatments.

But if acupuncture is not performed competently, it could harm the patient. Thus, it is necessary to regulate the practice of acupuncture to ensure that only licensed acupuncturists can perform this alternative practice.

This proposed measure seeks to regulate the practice of acupuncture in order to protect the safety, health and welfare of Filipinos, and at the same time, make it available to anyone who wishes to avail of it.

The bill creates a Board of Acupuncture within the Department of Health. It shall consist of three (3) members appointed by the Secretary of Health. Two board members must be licensed acupuncturists.

The members of the Board of Acupuncture shall be appointed for a four-year term or for the remainder of the unexpected term of vacancy.

The passage of this proposed measure is earnestly urged for the abovementioned reasons.



ALFREDO D. VARGAS III

REPUBLIC OF THE PHILIPPINES

House of Representatives
Quezon City

16th Congress
3rd Regular Session

HOUSE BILL NO. 6377

Introduced by Congressman Alfredo D. Vargas III

AN ACT

TO REGULATE THE PRACTICE OF ACUPUNCTURE, CREATING FOR THIS PURPOSE AND ACUPUNCTURE BOARD

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

SECTION 1. *Short Title.* – This Act shall be known as the “Acupuncture Act”.

Sec. 2. *Declaration of Policy.* – The State shall protect and promote the right to health of the people and instill health consciousness among them. To this end, the State shall 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.

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

(1). “Acupuncture” means a form of primary health care, based on traditional Chinese medical concepts and modern oriental medical therapies and diagnostics techniques, for the promotion, maintenance, and restoration of health and the prevention of disease. Acupuncture shall include, but not limited to, the insertion of acupuncture needles, *moxibustion* or the burning of dried herbs on the skin’s surface, electroacupuncture, Qi Gong, oriental massage, herbal therapy, dietary guidelines, and other adjunctive therapies, as defined by board rule;

(2). “Acupuncturist” means any person licensed to practice acupuncture as a primary health care provider;

(3). “Board” means the Board of Acupuncture;

(4). “License” means the document of authorization issued by the Department for a person to engage in the practice of acupuncture;

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

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

Sec. 4. Creation of the Board of Acupuncture. – The Board of Acupuncture is hereby created within the Department of Health and shall consist of three members, to be appointed by the Secretary of Health. Two members of the board must be licensed acupuncturists while the remaining member must be a layperson who is not and who has never been an acupuncturist or member of any closely related profession. Members shall be appointed for a 4-year term or for the remainder of the unexpired term of vacancy.

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

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

Sec. 5. Licensure Requirements and Fees. – It is unlawful for any person to practice acupuncture unless such person has been licensed by the Board. A person may become licensed to practice acupuncture if the person applies to the Board and:

- (a) Is 21 years of age or older and has good moral character;
- (b) Has completed 60 hours of training and study in acupuncture and oriental medicine from an accredited institution which meets standards established by the Board;
- (c) Has successfully completed a Board-approved national certification process, passes an examination administered by the Board, which tests the applicant's competency and knowledge of the practice of acupuncture and oriental medicine. The examination shall include a practical examination of the knowledge and skills required to practice modern and traditional acupuncture and oriental medicine, covering diagnostic and treatment techniques and procedures; and
- (d) Pays the required fees set by the Board by rule not to exceed the following amounts:

1. Examination fee: P500 per applicant.
2. Licensure fee: P1,000 per qualified applicant.

Sec. 6. *Prohibited Acts.* – No person shall:

- (a) Practice acupuncture unless the person is licensed by the Board pursuant to this Act;
- (b) Present as his or her own the license of another;
- (c) Knowingly give false or forged evidence to the Board or a member thereof;
- (d) Use or attempt to use a license that has been suspended, revoked, or placed or inactive or delinquent status;

Sec. 7. *Penalties.* – Any person who violates any provision of this Act shall be punished with imprisonment of not less than three (3) years or more than eight (8) years, or a fine of not than Ten Thousand Pesos (Php10,000.00), but not more than Fifteen Thousand Pesos (Php15,000.00), or both, at the discretion of the Court.

Sec. 8. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

Sec. 9. *Repealing Clause.* – All laws, decrees, orders, and issuances, or portions thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended, or modified accordingly.

Sec. 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,