

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

HOUSE OF REPRESENTATIVES
H.B. No. 2922

HOUSE OF REPRESENTATIVES	
RECEIVED	
DATE:	<u>15 AUG 2016</u>
TIME:	<u>5:40 pm</u>
BY:	<u>Jorde</u>
REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by Representative H. Harry L. Roque Jr.

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

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



H. HARRY L. ROQUE JR.

¹ This bill was originally filed in the Thirteenth Congress, Third Regular Session, and subsequently filed in the Sixteenth Congress, Third Regular Session by Miriam Defensor Santiago

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

HOUSE OF REPRESENTATIVES
H.B. No. 2922

Introduced by Representative H. Harry L. Roque Jr.

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

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

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

2 SECTION 2. *Declaration of Policy.* – The State shall protect and promote the
3 right to health of the people and instill health consciousness among them. To this end, the
4 State shall regulate the practice of acupuncture for the purpose of protecting the health,
5 safety, and welfare of the citizens while making this healing art available to those who
6 seek it.

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

9 (1) "Acupuncture" means a form of primary health care, based on
10 traditional Chinese medical concepts and modern oriental medical techniques, that
11 employs acupuncture diagnosis and treatment, as well as adjunctive therapies and

1 diagnostic techniques, for the promotion, maintenance, and restoration of health
2 and the prevention of disease. Acupuncture shall include, but not be limited to, the
3 insertion of acupuncture needles, *moxibustion* or the burning of dried herbs on the
4 skin's surface, electroacupuncture, Qi Gong, oriental massage, herbal therapy,
5 dietary guidelines, and other adjunctive therapies, as defined by board rule;

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

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

9 (4) "License" means the document of authorization issued by the
10 Department for a person to engage in the practice of acupuncture;

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

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

17 SECTION 4. *Creation of the Board of Acupuncture.* – The Board of Acupuncture
18 is hereby created within the Department of Health and shall consist of three members, to
19 be appointed by the Secretary of Health. Two members of the board must be licensed
20 acupuncturists while the remaining member must be a layperson who is not and who has

1 never been an acupuncturist or member of any closely related profession. Members shall
2 be appointed for 4-year terms or for the remainder of the unexpired term of a vacancy.

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

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

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

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

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

16 (c) Has successfully completed a Board-approved national certification
17 process, passes an examination administered by the Board, which tests the
18 applicant's competency and knowledge of the practice of acupuncture and oriental
19 medicine. The examination shall include a practical examination of the knowledge
20 and skills required to practice modern and traditional acupuncture and oriental
21 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: ₱ 500 per applicant.

2. Licensure fee: ₱ 1,000 per qualified applicant.

SECTION 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 on inactive or delinquent status;

SECTION 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 less than Ten thousand pesos (₱ 10,000.00), but not more than Fifteen thousand pesos (₱ 15,000.00), or both, at the discretion of the Court.

SECTION 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.

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

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

Approved,