

Legislation of the Non-Conventional Therapeutics

Chapter I Object and Principles

Article 1

(Object)

The present law establishes the framework of the activity and the practice of the professionals that practice non-conventional therapeutics, as defined by the World Health Organization.

Article 2

(Scope of Application)

The present law applies to all the professionals that dedicate to the practice of the non-conventional therapeutics recognized by this law.

Article 3

(Concepts)

1. Non-conventional therapeutics are considered as those that depart from a philosophical base which is different from conventional medicine and use distinct processes of diagnosis and their own therapeutics.
2. For the effect of application of this law, the therapeutics of acupuncture, homeopathy, osteopathy, naturopathy, phytotherapy and chiropraxis are recognized as non-conventional therapeutics.

Article 4

(Principles)

The orienting principles of the non-conventional therapeutics are:

1. The right of an individual to choose the therapeutic method, being informed about the innocuity, quality, efficiency and possible risks.
2. The defense of public health, in respect of personal right of health protection.
3. The defense of the users, which requires that the non-conventional therapeutics be practiced with high degree of responsibility, diligence and competence, based on the professional qualification of practitioners and on the respective certification.
4. The defense of the well-being of the user, which includes the complementarity with other professions of health.
5. The promotion of the scientific research in the different areas of the non-conventional therapeutics, aiming to reach high standards of quality, efficiency and effectiveness.

Chapter II Qualification and Professional Statute

Article 5

(Technical and Deontological Autonomy)

Technical and deontological autonomy in the professional activity of the practice of non-conventional therapeutics is recognized.

Article 6

(Supervision and Professional Accreditation)

The practice of non-conventional therapeutics is to be accredited and supervised by the Ministry of Health.

Article 7

(Training and Qualification Certification)

The definition of conditions of training and qualification certification for the practice of non-conventional therapeutics falls on the Ministry of Education and Ministry of Science and Higher Education.

Article 8

(Technical commission)

1. A consultative technical commission is created in the scope of the Ministry of Health and the Ministry of Science and Higher Education, from now on referred to as Commission, with the objective of studying and proposing the general parameters for making regulations of the non-conventional therapeutics.
2. The Commission can create Specialized Groups for each of the non-conventional therapeutics with a view to the definition of the specific parameters of accreditation, training and certification of the respective professionals and evaluation of the equivalence.
3. The Commission ceases its functions once the process of creating structure for accreditation, training and certification of the professionals of the non-conventional therapeutics be fulfilled, which will be concluded till the end of the year 2005.

Article 9

(Functioning and Composition)

1. It is incumbent on the government to regulate about the competences, the functioning and the composition of the Commission and the respective Specialized Groups, which should integrate, particularly, representatives from the Ministry of Health, the Ministry of Education, and the Ministry of Science and Higher Education and from each of the non-conventional therapeutics and, if necessary, experts with recognized credit in the area of health.

2. Each Specialized Group should integrate representatives from the Ministry of Health, the Ministry of Education, and the Ministry of Science and Higher Education and from the area of the non-conventional therapeutics that is to be regulated and, if necessary, experts with recognized credit in these areas.

Article 10

(Of the Practice of the Activity)

1. The practice of non-conventional therapeutics can only be practiced, in terms of this law, by professionals that are holders of legally required and duly accredited qualifications for their practice.
2. The professionals that practice non-conventional therapeutics are obliged to maintain an individualized register of each user.
3. The register foreseen in the previous item should be organized and maintained in the form that, in terms of this law, respects the norms relating to the protection of personal data.
4. The professionals of the non-conventional therapeutics should comply with the principle of responsibility in the scope of their competence and, considering their autonomy in the capacity of decision and evaluation, and establishment of the respective therapeutics, and are obliged to render information, whenever the circumstances justify it, about prognosis and duration of the treatment.

Article 11

(Place of Healthcare Rendered)

1. The establishment and other places where the healthcare in the area of the non-conventional therapeutics is rendered can only function under the responsibility of professionals duly certificated.
2. In these places, information should be posted in public that consists of the identification of the professionals by which they practice and the prices applied.
3. The conditions for the functioning and licensing of the places where non-conventional therapeutics are practiced follow the rules established by the Decree-Law N° 13/93, of 15 January, which regulate the licensing of the private units of health, with the due adaptations.

Article 12

(Compulsory Insurance)

The professionals of the non-conventional therapeutics, embraced by the present law, are obliged to dispose an insurance of civil responsibility in the scope of their professional activity, in terms to be regulated.

Chapter III Of the Users

Article 13

(Right of Choice, Information and Consent)

1. The citizens have right to choose freely the therapeutics that they prefer.
2. The professionals of the non-conventional therapeutics can only apply actions with the informed consent of the user.

Article 14

(Confidentiality)

The case history of each user, in the possession of the professionals that practice non-conventional therapeutics, is confidential and can only be consulted or ceded through explicit authorization of the user himself or herself, or through judicial determination.

Article 15

(Right of Complain)

The users of the practice of the non-conventional therapeutics, to safeguard their interests, can communicate the misdeeds resulted from the exercise of non-conventional therapeutics to the organisms with competences of superintendence.

Article 16

(Publicity)

Without prejudice of the norms specially foreseen in special legislation, the publicity of the non-conventional therapeutics is ruled by the Decree-Law N° 330/90, of 23 October, in its actual edition.

Chapter IV Superintendence and Infractions

Article 17

(Superintendence and Sanctions)

The superintendence of the stipulations of the present law and the definition of the respective sanction frame are the object of regulation-making by the government.

Article 18

(Infractions)

To the professionals embraced by this law who prejudice the health of the users or carry out interventions without the respective informed consent, the stipulations in the articles 150, 156 and 157 of the Penal Code is applicable, on the equal terms with the rest of the professionals of health.

Chapter V Final Dispositions

Article 19

(Regulation)

The present law is to be regulated in the period of 180 days after its entrance into force.

Article 20

Entrance into Force

The present law enters into force on the following day of its publication.