



**CUATRECASAS**



**NEWSLETTER | HEALTH LAW**

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HEALTH LAW NEWSLETTER | FEBRUARY, 2018

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## HEALTH LAW NEWSLETTER

### I NON-CONVENTIONAL THERAPIES: COURSE OF STUDIES FOR CHINESE TRADITIONAL MEDICINE

Following the entry into force of Law 71/2013 of 2 September, which established that the access to the registers of non-conventional therapies professions will depend on the ownership of a degree in one of the therapies, obtained following an education consistent with the requirements set by members of the Government responsible for health and higher education, Ordinance 45/2018, of February 9, was published, regulating the general requirements which must be fulfilled by the course of studies leading to a degree in Traditional Chinese Medicine.

Non-conventional therapies, also known as complementary or alternative medicines, are practices based on philosophical approaches different from conventional medicine and apply specific diagnostic processes and therapeutics of their own. Among these therapies, and because law regulates their professional practice, we highlight the following: Acupuncture; Phytotherapy; Homeopathy; Traditional Chinese medicine; Naturopathy; Osteopathy and Chiropractic.

On the other hand, and following guidelines of the World Health Organization, Law 71/2013 established that the exercise of the professions is permitted only to holders of a professional license issued by the Central Administration of the Health System (ACSS). A register will allow identification of the health professionals holding the adequate qualifications.

As for the premises that provide non-conventional therapies, these are subject to a simplified licensing procedure. In addition, a professional of the sector, duly accredited, must carry out the clinical management. Moreover, the marketing of products in these premises is prohibited.

Regarding Traditional Chinese Medicine, a profession whose characterization and functional content are regulated by Ordinance 207-G / 2014, of October 8, it should be pointed out that, with the publication of Ordinance 45/2018, anyone who has been proven to be active in this area at the date of the entry into force of Law 71/2013, may now request the respective certificate under the transitional provision provided for in article 19 of this Law.

In order to request this certificate, it will be necessary to submit the following documentation to the ACSS:



- i. Document issued by the respective employer, which proves the exercise of the activity, or a statement of activity issued by the Tax and Customs Authority, proving the date on which professional activity commenced;
- ii. Document proving affiliation to a social security system;
- iii. Description of the respective training and professional track, in European curriculum vitae format.

Subsequently, ACSS will evaluate these documents and will issue one of the following decisions: i) Issuance of a professional certificate; ii) Issuance of a provisional professional card valid for a fixed period not exceeding twice the period for complementary training whose completion is deemed necessary for the attribution of the professional certificate and iii) Non-attribution of the professional certificate.

The deadline for submission of applications is 5 November 2018.

As for those who now wish to obtain a degree in Traditional Chinese Medicine, it should be noted that the course of studies lasts eight curricular semesters, corresponding to 240 credits, spread over several training components. For the admission in this course of studies, it is compulsory to carry out entrance tests that integrate Biology, Physics and Chemistry.

## II NATIONAL LEGISLATION

### **Vaccination**

*Ordinance 94/2018 - D.R. 23/2018, Series II of 2018-02-01*

Proceeds to the first amendment of Ordinance 243/2013 of April 22, which constitutes the Technical Commission on Vaccination (CTV)

### **Human Plasma**

*Order 1181/2018 - D.R. 23/2018, Series II of 2018-02-01*

Changes the composition of the External Commission for the Monitoring of the National Strategic Program of Human Plasma Fraction 2015-2019



**Cannabis**

*Parliament Resolution 33/2018 - D.R. 24/2018, Series I of 2018-02-02*

Recommends that the Government review the evolution of the health impacts of cannabis use and its adequate use for therapeutic purposes by taking the necessary measures to prevent the consumption of this psychoactive substance

**Family Health Units**

*Order 1194-A/2018 - D.R. 23/2018, 1st Supplement, Series II of 2018-02-01*

Determines the number of model A family health units (FHU) to be set up and the FHU number to be moved from model A to model B in 2018, as well as ratifies the model FHU number authorized for the year 2017

**National Health Plan**

*Order 1225/2018 - D.R. 25/2018, Series II of 2018-02-05*

Amends Order 6401/2016, of the Assistant Secretary of State and Health, published in the Portuguese Official Gazette, of May 16, 2016 (Determines the development, within the scope of the National Health Plan, of priority health programs to be pursued by the Directorate-General for Health)

*Order 1695/2018 - D.R. 35/2018, Series II of 2018-02-19*

Changes the wording of Order 728/2014, of January 6 (Formalizes the structures to support the coordination of the National Health Plan 2012-2016 and determines that the respective Plan is coordinated by the Director-General for Health)

*Order 1772/2018 - D.R. 36/2018, Series II of 2018-02-20*

Appoints the Executive Director of the National Health Plan and the members of the Technical Coordination of the Strategy and the National Health Plan

**Blood Establishments**

*Order 1226/2018 - D.R. 25/2018, Series II of 2018-02-05*

Determines that blood establishments should integrate and use in their information systems, ISBT 128 coding as a single identification method of the donation, the components obtained and their characteristics



## **Health Basis Law**

*Order 1222-A/2018 - D.R. 24/2018, 1st Supplement, Series II of 2018-02-02*

Creates the Commission of Revision of the Health Basis Law and designates Maria de Belém Roseira Martins Coelho Henriques de Pina its President, and the members that integrate it

### **Ministry of Health Archives**

*Order 1381/2018 - D.R. 28/2018, Series II of 2018-02-08*

Constitutes a multidisciplinary team, called the Multidisciplinary Team for the Coordination of the Archives System of the Ministry of Health

## **Pharmaceutical Career**

*Regulatory Decree 4/2018 - D.R. 30/2018, Series I of 2018-02-12*

Identifies the remuneration levels of the remuneration table of workers with a public employment link in the form of a contract of employment in public functions integrated in the special pharmaceutical career

## **Expenditure on Healthcare**

*Order 1492/2018 - D.R. 30/2018, Series II of 2018-02-12 114680185*

Creation and composition of the Interministerial Commission, hereinafter referred to as the Commission, in order to comply with the provisions of article 190 of Law 114/2017, of December 29 - Reimbursement by medical prescription of health care expenses provided in spas

## **Vision Health**

*Order 1696/2018 - D.R. 35/2018, Series II of 2018-02-19*

Creates and determines the composition of a Commission with the objective of developing a National Strategy for Vision Health

## **Oncology**

*Order 1874/2018 - D.R. 37/2018, Series II of 2018-02-21*

Recognizes, as Centers of Reference in the field of Adult Oncology - Rectal Cancer, the "Centro Hospitalar Leiria" and the "Centro Hospitalar Tondela Viseu"



## **European Health Insurance Card**

*Order 1876/2018 - D.R. 37/2018, Series II of 2018-02-21*

Determines and establishes provisions for the billing and payment of healthcare provided to users who identify themselves with the European Health Insurance Card (CESD), the Provisional Certificate of Substitution of the CESD or the portable document S2

## **Medically Assisted Procreation**

*Parliament Resolution 53/2018 - D.R. 39/2018, Series I of 2018-02-23*

Election to the National Council for Medically Assisted Procreation

*Parliament Declaration 2/2018 - D.R. 39/2018, Series I of 2018-02-23*

Appointment of four personalities to the National Council for Medically Assisted Procreation

## **Diabetes**

*Parliament Resolution 55/2018 - D.R. 41/2018, Series I of 2018-02-27*

Recommends that the Government expedite the procedures for the evaluation of devices and equipment for the control and treatment of Diabetes Mellitus

## **Healthcare Establishments**

*Rectification Statement 148-A/2018 - D.R. 40/2018, 1st Supplement, Series II of 2018-02-26*

Rectifies the annex to Order 1875/2018, published in the Portuguese Official Gazette of February 21, 2018 (Identifies health services and establishments and their respective functional units)

## **Ministry of Health**

*Ordinance 61/2018 - D.R. 42/2018, Series I of 2018-02-28*

It establishes the necessary regulatory rules for the distribution of the net results of exploitation of the social games attributed to the Ministry of Health under Decree-Law 56/2006, of March 15, as amended by Decree-Law 44/2011, of March 24, and by Decree-Law 106/2011 of October 21,



**Charges**

*Ordinance 130/2018 - D.R. 40/2018, Series II of 2018-02-26*

Authorizes the Portuguese Institute of Oncology of Lisbon Francisco Gentil, EPE, to assume a multiannual charge up to the amount of 2,885,085.00 EUR, plus VAT at the legal rate in force, regarding the acquisition of preventive and corrective technical assistance services of radiotherapy equipment - linear accelerators

*Ordinance 118/2018 - D.R. 37/2018, Series II of 2018-02-21*

Authorizes the Centro Hospitalar de Lisboa Ocidental to assume a multiannual charge up to the amount of EUR 409,500.00 (four hundred and nine thousand five hundred euros), plus VAT at the legal rate in force, regarding the acquisition of reagents for hematology

*Ordinance 119/2018 - D.R. 37/2018, Series II of 2018-02-21*

Authorizes SICAD - Intervention Service in the Admissible Behaviors and in the Dependencies to assume a multi-annual charge up to the amount of five hundred and fifty-four thousand, five hundred and seventy-nine euros and eighty-three cents (554,579.83 EUR), exempt from VAT, regarding the conclusion of the contract for the award of public funding, within the scope of the Integrated Response Program to the Alcântara Reception Center

*Ordinance 120/2018 - D.R. 37/2018, Series II de 2018-02-21*

Authorizes the Local Health Unit of Alto Minho to assume a multiannual charge up to the amount of 8,525,241.36 EUR (eight million, five hundred and twenty five thousand, two hundred and forty one euros and thirty six cents), plus VAT at the legal rate in force, regarding the purchase of medicines

*Ordinance 121/2018 - D.R. 37/2018, Series II of 2018-02-21*

Authorizes the Centro Hospitalar de Lisboa Ocidental to assume a multiannual charge up to the amount of EUR 390,000.00 (three hundred and ninety thousand euros), plus VAT at the legal rate in force, regarding the acquisition of reagents for gasimetry

*Ordinance 122/2018 - D.R. 37/2018, Series II of 2018-02-21*

Authorizes the Regional Health Administration of the North to assume a charge up to the amount of EUR 348,930.00 (three hundred and forty-eight thousand, nine hundred and thirty euros), plus VAT at the legal rate in force, relating to the acquisition of transport relating to the acquisition of transport, recovery and disposal of hazardous hospital waste



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