

# About the rights of practicing acupuncture in Brazil

## Sobre o direito de praticar a acupuntura no Brasil

Recently, a second appeal decision from the Regional Federal Court of the 1<sup>st</sup> Area (TRF1) opened again the debate about the practice of acupuncture in Brazil. In this action, the Federal Registration Board of Medicine questions the legitimacy of the resolutions of expertise in acupuncture of the Registration Boards of Physical Therapy, Occupational Therapy, Nursing, Psychology, Speech Pathology and Pharmacy.

Acupuncture in Brazil is an activity described by the Brazilian Classification of Occupations (BCO). By reading the BCO, we can find the codes of the activity of acupuncturists for physical therapists, psychologists, medical doctors and technicians. So, acupuncture is not a specific activity from any health care profession, but an activity with a lack of regulation by federal law. As there is no federal law regulating the acupuncture in Brazil, the Constitution of Brazil is supreme:

*Art. 5<sup>th</sup> -All are equal before the law, without distinction whatsoever, guaranteeing to the Brazilians and the foreigners residing in the Country the inviolability of the right to life, to freedom, to equality, to safety and property, in the following terms: II - nobody will be forced to do or not do something except by virtue of law; XIII - it is free to carry on any work, occupation or profession, assisted the professional qualifications established by the law.*

Without voting a law that regulates the acupuncture, any Federal Registration Board and no judicial decision can prevent anyone from using the acupuncture throughout national territory. Currently, there are two laws in development being discussed in Brasília and both should establish a law that regulates the multi-professional acupuncture. It discusses the need of creation of acupuncture universities and the creation of a new health care profession. Accordingly, the Brazilian Society of Acupuncturists Physical Therapists (SOBRAFISA) is positioned in reverse, once for more than 25 years the physical therapists uses the acupuncture without any proven social fraud. The same can be said about other health care professions that also regulated the practice by its peers.

This is the key point that was not understood by the magistrate of TRF1. When the Federal Registration Board of Physical Therapy (COFFITO), through its first president Sônia Gusman, in 1985, issued the resolution 60 and, later, the resolutions 97, 201 and 209, authored by Rui Gallart de Menezes and of Célia Rodrigues Cunha, these were not acts that aimed at to broaden the scope of work of its professionals, but acts that established rules and limits on these professionals' work in relation to acupuncture. The same can be said about the resolutions of other registration boards. How can a professional registration board be accused of broadening the scope of work of its professionals, since the acupuncture in Brazil is an occupation that has free exercise due to lack of law?

The resolutions of COFFITO established strict criteria so that the physical therapist could use acupuncture. Besides being a physical therapist, the professional must have a extensive training of at least 1.200 hours over the last two years and still taking tests. Only then, the physical therapist can use the title of acupuncturist. In a certain

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way, the criteria established by COFFITO are those that the good acupuncture schools in Brazil use to certify their students. The physical therapist also has the seal of quality of SOBRAFISA, present in many schools, ensuring the theoretical, practical, clinical and scientific quality of the understanding in acupuncture.

While the laws are not voted in Brazil, the Federal Constitution ensures the free professional exercise of acupuncture; the professional registration boards and class associations protect the users who look for acupuncture as a treatment through its resolutions and norms.

Thus, who benefits are the users who have the right of choosing freely the best professional to perform their treatment.

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