

PARLIAMENT

LAW 122/2019 OF 30 SEPTEMBER

Abstract: Creates the Ordem dos Fisioterapeutas and approves the respective By-Laws.

Creates the Ordem dos Fisioterapeutas and approves the respective By-Laws.

The parliament hereby decrees, pursuant to article 161(c) of the Constitution, the following:

Article 1

PURPOSE

The Ordem dos Fisioterapeutas, hereinafter called Ordem, is hereby created and its By-Laws, published in an annex to this law, of which it is an integral part, are hereby approved.

Article 2

PROFESSION COVERED

1. The Ordem covers physiotherapy professionals who, under the respective By-Laws and applicable legal provisions, exercise the profession of physiotherapist.
2. The Ordem also covers holders of the professional licence of physiotherapist, issued under the terms of Decree-Law No. 320/99 of 11 August.

Article 3

INSTALLING COMMITTEE

1. The Ordem shall be considered to be effectively established with the first meeting of the General Council and the simultaneous inauguration of the Ordem's First President elected under the terms of the By-Laws of the Ordem dos Fisioterapeutas.
2. Until that date, the Ordem shall be managed on an interim basis by an Installing Committee with limited powers for that purpose.
3. The Installing Committee shall be composed of five members, including the Chair.
4. The installing Committee shall be appointed by the member of government responsible for the health area within 60 days of the entry into force of this law, after hearing the professional associations concerned. Its members may be replaced under the same terms.
5. The term of office of the Installing Committee shall last for a maximum of one year from the date of its appointment. It shall end with the swearing-in of the Ordem's national bodies under paragraph 1.
6. If the Ordem bodies have not been elected within the period defined in the previous point, the member of government responsible for the health area may extend the term of office of the Installing Committee, and schedule the date for elections.

Article 4

COMPETENCE AND FUNCTIONING OF THE INSTALLING COMMITTEE

- 1) The Installing Committee shall:
 - a) Prepare and submit the provisional regulations necessary for the of the Ordem's operation for ministerial approval, namely those relating to electoral acts and the provisional amount of the enrolment fee;
 - b) Encourage registration with the Ordem under the terms of this law and of the attached By-Laws;
 - c) Draw up a national register of physiotherapists and keep it updated;
 - d) Perform all the acts necessary for the installation and start of the Ordem;
 - e) Prepare the electoral acts, convene and organise the first elections to Ordem bodies, under the terms of this law, up to 30 days before the end of its term of office, and consider any appeals;
 - f) Convene the first meeting of the General Council, which includes the swearing-in of the Chair, within 15 days after counting the electoral results or hearing any appeals;
 - g) Be accountable for the term of office through a report addressed to the member of government responsible for the health area and the Ordem's elected bodies.
- 2) In carrying out its duties, the Installing Committee shall be governed by the By-Laws of the Ordem dos Fisioterapeutas, approved as an annex to this law, with the necessary adaptations.
- 3) The costs of the Installing Committee, under the terms defined by ministerial decree, shall be borne by the Ordem and shall be met by revenue from the enrolment fees.

Article 5

ENROLMENT OF PRACTISING PHYSIOTHERAPISTS

1. The exercise of the profession of physiotherapist depends upon enrolment in the Ordem as a full member within twelve months of this law coming into force.
2. Acceptance or rejection of enrolment in the Ordem requires a majority of two-thirds of the members of the Installing Committee. It may only be refused under the terms of article 63 of the Ordem dos Fisioterapeutas' By-Laws, annexed to this law.

Article 6

ADMINISTRATIVE SUPERVISION

The powers of administrative supervision over the Ordem, under the terms of the respective By-Laws and Law No. 2/2013 of 10 January, which establishes the legal regime for the creation, organisation and functioning of public, professional associations, are exercised by the member of the government responsible for the health area.

Article 7

ENTRY INTO FORCE

This law enters into force 30 days after it is published.

Approved on 5 July 2019

The Vice-Speaker of Parliament (in substitution of the Speaker), Jorge Lacão.

Promulgated on 19 August 2019

To be published

The President of Portugal, Marcelo Rebelo de Sousa.

Endorsed on 22 August 2019

The Prime Minister, António Luís Santos da Costa.

ANNEX

BY-LAWS OF THE ORDEM OF PHYSIOTHERAPISTS

CHAPTER I

Nature, Scope and Purpose

Article 1

Nature

1. The Ordem dos Fisioterapeutas, hereinafter called the Ordem, is the public, professional association that represents physiotherapy professionals who, under the provisions of these By-Laws and other applicable legal provisions, exercise the profession of physiotherapist.
2. The Ordem is a legal person governed by public law which, in the exercise of its public powers, shall practice the administrative acts necessary for the performance of its functions and shall approve the regulations provided for in the law and the present By-Laws.
3. The Ordem's acts and regulations shall not be subject to governmental approval, except in cases provided for by law.
4. The Ordem shall have its own property and finances, and budgetary and financial autonomy within the terms of the law.

Article 2

Scope and Headquarters

1. The Ordem is nationwide.
2. The Ordem is based in Lisbon and may be changed by deliberation of the General Council approved by an absolute majority.

3. Notwithstanding the provisions of paragraph 1 above, the Ordem may set up regional structures, which shall be responsible for the pursuit of its functions in the respective geographical area.

Article 3

Purpose

The purposes of the Ordem are to regulate the access to and the exercise of the profession of physiotherapist, approve the applicable technical and ethical standards, ensure compliance with the legal and regulatory standards of the profession, and exercise disciplinary authority over its members within the framework of an autonomous disciplinary regime.

Article 4

Responsibilities

- 1) The Ordem shall:
 - a) Regulate access to and the exercise of the profession;
 - b) Defend the general interests of users of the services provided by its members, ensuring and enforcing the citizens' right to health;
 - c) Represent and defend the general interests of the profession in Portugal, namely by ensuring its social function, dignity and prestige;
 - d) Confer, in exclusivity, the professional titles of physiotherapist and award professional credentials to its members;
 - e) Defend the professional title, including the denunciation of situations of illegal exercise of the profession, with the possibility of intervening in criminal proceedings;
 - f) Confer the title of specialist to physiotherapists who fulfil the requirements established by the competent bodies;
 - g) Draw up and update the professional register of its members;
 - h) Ensure compliance with the rules of professional ethics;
 - i) Exercise disciplinary power over its members;
 - j) Award, when and where applicable, prizes or honorary titles;
 - k) Provide services to its members concerning their professional practice, particularly concerning information, professional training and technical and legal assistance;
 - l) Collaborate with public administration entities in the pursuit of purposes of public interest related to the physiotherapist's profession;
 - m) Participate in the preparation of legislation concerning their profession;
 - n) Participate in official accreditation processes and the evaluation of courses giving access to the profession;

- o) Recognise professional qualifications obtained outside Portugal, under the law, European Union law or international conventions;
 - p) Issue opinions on scientific and technical matters that are requested of the Ordem by any entity, whether national or foreign, public or private when there is public interest or interest for the profession;
 - q) Encourage the development of the scientific area of physiotherapy and its teaching;
 - r) Any other responsibilities that may be assigned to it by law.
- 2) The Ordem shall be barred from exercising or participating in activities of a trade union nature or that relate to the regulation of its members' economic or professional relations.

Article 5

Principles

The Ordem acts with respect for the principles of legality, equality, proportionality, justice and impartiality.

Article 6

Insignia

The Ordem has the right to use its own emblem and seal, under models to be approved by the General Council at the proposal of the Management Committee.

CHAPTER II

Organisation

SECTION I

General Provisions

Article 7

Organisation

1. The Ordem has national and regional bodies and may establish professional speciality colleges.
2. The competencies of the bodies shall be defined in terms of the scope or speciality of the subjects.
3. The organisation of the Ordem is based on representative democracy and the separation of powers.

Article 8

National Bodies

The Ordem's national bodies are:

- a) The General Council;
- b) The Chair;
- c) The Management Committee;
- d) The Judicial Council;
- e) The Audit Board;

Article 9

Regional Bodies

The regional delegations' bodies are

- a) The Regional Assembly;
- b) The Regional Management Committee.

Article 10

Professional Specialty Colleges

There is a professional specialty council for each professional specialty college.

Article 11

Holding of Office

1. The holding of office in the Ordem bodies shall not be remunerated, notwithstanding the provisions of the following point and the payment by the Ordem of any expenses arising from representation or travel in the service of the Ordem,
2. The General Council may decide that permanent executive offices are remunerated.

Article 12

Conditions of holding of offices by members of the Ordem bodies

- 1) The members of the Ordem bodies who are employees are entitled, for the exercise of their functions within the scope of the offices for which they were elected, to:
 - a) Leave without pay, with the maximum duration of the respective mandate, to be granted under the terms of the labour legislation;
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- b) A credit of hours corresponding to 24 working days a year, which they may use in half-day periods, which count, for all legal purposes, as effective service.
- 2) Members of the Ordem's non-executive bodies shall enjoy the right to 24 justified absences, which shall count for all legal purposes as effective service, except in what regards remuneration or retribution.
- 3) The Ordem shall inform the employers of their bodies' members about the dates and the number of days they need to exercise their functions, by adequate and safe means, including email.
- 4) The communication provided for in the preceding number shall be made at least five days in advance or, in the case of meetings or activities of an extraordinary nature of the Ordem bodies, as soon as they are convened.

Article 13

Incompatibility

- 1) The exercise of executive, disciplinary and supervisory functions on bodies of the Ordem shall be incompatible with each other.
- 2) The holding of offices in the Ordem bodies is incompatible with:
 - a) Management positions in other entities that also promote the defence of the profession;
 - b) Members of sovereign bodies or self-government bodies of the autonomous regions, as well as executive bodies of local government;
 - c) Managerial positions in the public administration;
 - d) Positions in trade unions or employers' associations;
 - e) Other offices or activities with a manifest conflict of interest, declared by the Judicial Council at the Management Committee's request.

Article 14

Joint and Several Liability

- 1. The members of the collegiate bodies shall be jointly and severally liable for acts practised in the exercise of the term of office conferred upon them.
- 2. Members of the Ordem who have expressly voted against the resolution in question, as well as those who were not present when the resolution was taken, shall be exempt from liability provided that they have expressed their disagreement as soon as they became aware of it.

Article 15

Binding

1. The Ordem is bound by the signatures of the Chair or his/her substitute, and one other member of the Management Committee in full exercise of his/her office.
2. The Management Committee may appoint an agent to perform certain acts and, to that end, it shall precisely define the scope and timing of the powers conferred.

SECTION II

National Bodies

Article 16

General Council

The General Council shall be composed of 30 to 50 members, elected by universal suffrage and by the proportional representation system according to the Hondt highest average method, in the territorial constituencies that correspond to the regional bodies provided for in Article 2 of these By-Laws.

Article 17

Responsibilities of the General Council

The General Council shall:

- a) Elect and remove, under these By-Laws, its presiding board and draw up its regulations;
- b) Give its opinion on the appointment of the Management Committee, on the proposal of the Chair, and, if necessary, to vote against it;
- c) Elect the Audit Board members;
- d) Approve the budget and the activities plan, as well as the report and accounts, on the proposal of the Management Committee;
- e) Approve the draft amendment to the By-Laws by an absolute majority;
- f) Approve the regulations provided for by law and in these By-Laws, which are not within the competence of other bodies, as well as any other regulations necessary for the pursuit of the Ordem's responsibilities;
- g) Approve the regulations on dues and fees, on the proposal of the Management Committee;
- h) Propose the creation of specialty colleges, as well as speciality titles;
- i) Ratify the signing of protocols with similar national or foreign associations, as proposed by the Management Committee;
- j) Approve calling referenda, on the proposal of the Chair, by absolute majority.

Article 18

The Functioning of the General Council

- 1) The General Council meets ordinarily:
 - a) At the beginning of the term of office, for the election of the Presiding Board of the General Council, the Audit Board and the ratification of the Management Committee;
 - b) Annually, for the approval of the budget and activities plan, and the report and accounts of the Management Committee.
- 2) The General Council shall meet extraordinarily whenever circumstances so advise, and when convened by its Chair on the Chair's own initiative or at the request of the Management Committee, any of the Regional Management Committees or a minimum of one-third of its members.
- 3) If, at the time scheduled for the beginning of the meeting, less than half of the full members are present, the meeting shall start 30 minutes later with the members who are present, provided that there is not less than one-third of the full members.
- 4) A meeting to discuss and vote on the Management Committee's report and accounts shall be held by the end of March of the year following the respective financial year.

Article 19

Notice

1. The Chair shall convene the General Council by a postal or electronic notice sent to each of its members at least 15 days before the date designated for the meeting.
2. In urgent cases, the meeting may be convened three days before the appointed date.
3. The notice convening the meeting shall contain the agenda, time and place of the meeting.

Article 20

Presiding Board of the General Council

The Presiding Board of the General Council is composed of a Chair and two secretaries, elected individually by an absolute majority.

Article 21

Votes

1. The General Council's decisions shall be taken by simple majority, discounting abstentions, provided that votes in favour constitute at least one-quarter of the members present, except in cases where the law requires a qualified majority.

2. Voting shall only be by secret ballot in the cases provided for by law or when there is a decision by the council, on a case-by-case basis, to that effect.

Article 22

Chair

The Chair represents the Ordem and Chairs the Management Committee.

Article 23

Election

1. The Chair is elected through universal, secret and periodic suffrage.
2. Candidates for the office of Chair shall have practised the profession for a minimum of 10 years.
3. If none of the competing candidates obtains an absolute majority of the valid votes cast, a new ballot shall be held two weeks later between the two candidates with the most votes in the first ballot who do not withdraw their candidacy.
4. The Chair shall take office before the General Council at its first meeting.

Article 24

Powers of the Chair

- 1) The Chair shall:
 - a) Represent the Ordem in and out of court, namely before the organs of sovereignty and other organs of power, as well as European and international organisations;
 - b) Chair the Management Committee and appoint the respective members;
 - c) Lead the meetings of the Management Committee, with a casting vote, and participate without voting, if he/she so wishes, in the meetings of all the collegial bodies of the Ordem, except for the Judicial Council;
 - d) Carry out and enforce the deliberations of the Management Committee and the other national bodies;
 - e) Exercise the powers of the Management Committee in cases of recognised urgency or in situations in which such powers are delegated to him/her;
 - f) Ensure the normal functioning of the services of the Ordem, in compliance with the law, the By-Laws and the respective regulations;
 - g) Request any Ordem body to prepare opinions on matters within its competence.
- 2) The Chair may delegate powers to any member of the Ordem's Management Committee.

Article 25

The Management Committee

1. The Management Committee is composed of the Chair, two Vice-Chairs and an even number of members up to a maximum of four.
2. The Management Committee members, except for the Ordem's Chair, shall be appointed by the Ordem's Chair and shall be collectively submitted to the General Council for approval before they take office.
3. The General Council may reject the Management Committee the Chair presents on a proposal by a quarter of its members, whose approval requires an absolute majority.
4. If there is no proposal for a rejection or if it is not approved, the Management Committee shall consider itself ratified.
5. If the General Council rejects the Management Committee or the later approval of a motion of no confidence by an absolute majority, the Chair shall present new Vice-Chairs and members of the Management Committee to the General Council within two weeks.
6. Motions of no confidence may only be discussed and voted on one week after they are presented to the Chair of the General Council.

Article 26

Responsibilities of the Management Committee

The Management Committee shall:

- a) Direct the Ordem's national activity;
- b) Approve the enrolment of new members or have it suspended or cancelled, under the law;
- c) Draw up and keep the professional register of all Ordem members updated;
- d) Implement the decisions of the General and Judicial Councils;
- e) Approve guidelines and any Management Committee rules concerning the Ordem's services and facilities;
- f) Issue, directly or through commissions created for this purpose, opinions and information to public and private entities within the scope of the Ordem's responsibilities;
- g) Collect the revenue and incur the expenditure provided for in the budget;
- h) Prepare and submit the plan, budget, activity report and annual accounts to the General Council;
- i) Promote the installation of Regional Management Committees and coordinate their activities;
- j) Propose the creation of the framework of professional specialties in physiotherapy;
- k) Deliberate on the divestment or encumbrance of the Ordem's assets, and take out loans within the borrowing limits approved in the budget;
- l) Accept legacies or donations made to the Ordem;
- m) Set a date for elections to the directly elected bodies of the Ordem under the electoral regulations;
- n) Direct the Ordem's services, appoint the heads of the services, approve the hiring of personnel and the acquisition or leasing of goods and services, as well as practice all other acts, and execute all other contracts necessary to manage the Ordem;

- o) Approve the establishment of forms of cooperation with other public or private entities that contribute to the pursuit of the Ordem's responsibilities;
- p) Approve travel allowances for members of the Ordem bodies, for meetings or other Ordem activities;
- q) Approve its rules of procedure.

Article 27

Functioning of the Management Committee

- 1. The Management Committee meets ordinarily once a year and extraordinarily whenever convened by its Chair.
- 2. The Management Committee may only validly deliberate when more than half of its members are present.
- 3. Decisions are made by a majority vote, and the Chair has a casting vote.

Article 28

Judicial Council

- 1. The Judicial Council is composed of five members, one of which the Ordem's Chair, and is assisted by a legal consultant.
- 2. The Judicial Council members are elected through universal, direct, secret and periodic suffrage from a list of Ordem members with at least ten years of professional practice.
- 3. The Judicial Council is an independent body, and its members cannot be removed based on their decisions, notwithstanding any judicial review.
- 4. The Judicial Council may include personalities of recognised merit from outside the profession up to one-third of its composition

Article 29

Judicial Council Responsibilities:

The Judicial Council shall:

- a) Ensure compliance with the law, the By-Laws and the internal regulations, both by the bodies and by all members of the Ordem;
- b) Conduct and judge disciplinary proceedings against Ordem members;
- c) Decide, at the request of the interested parties, on appeals on the validity of decisions concerning the loss or suspension of office of members of the Ordem bodies;
- d) Decide on appeals on the validity of decisions of the other Ordem bodies that directly affect the rights of the members, namely in matters of enrolment, at the request of the interested parties;
- e) Decide on appeals against decisions on electoral matters, under the terms of article 56(3);
- f) Check in advance the legal and regulatory compliance of referenda called by the General Council;

- g) Give its opinion on the proposals for amending these By-Laws, disciplinary regulations, and regulations on access to and the exercise of the profession;
- h) Approve its regulations.

Article 30

The Functioning of the Judicial Council

- 1. The Judicial Council shall meet ordinarily under the agenda approved by it and extraordinarily when convened by its Chair or whoever substitutes him/her according to its regulations.
- 2. Judicial Council decisions are made by majority vote and the Chair has the casting vote.
- 3. In any decision, the Judicial Council members are guaranteed to explain the vote, which shall be an integral part thereof.

Article 31

Audit Board

- 1. The Audit Board shall be composed of a Chair, a member and a statutory auditor.
- 2. The General Council elects the Audit Board by a three-fifths majority on a proposal from the Management Committee.
- 3. The Management Committee shall be responsible for deciding the Statutory Auditor's remuneration.

Article 32

Audit Board Responsibilities

The Audit Board shall:

- a) Verify the Ordem's property and financial management;
- b) Examine and issue an opinion on the annual accounts the Management Committee submits to the General Council;
- c) Give an opinion, before they are concluded, on loan contracts negotiated by the Management Committee;
- d) Make suggestions to the Management Committee that it considers to be of interest to the Ordem in matters of property and financial management;
- e) Draw up the opinions requested by the other Ordem bodies, within the scope of its competence;
- f) Supervise the minutes of the Management Committee meetings.

SECTION III

Regional Bodies

Article 33

Regional Assembly

The Regional Assembly comprises all members enrolled with the Ordem whose professional domicile is within the geographic area included in the regional delegation.

Article 34

Responsibilities of the Regional Assembly

The Regional Assembly shall:

- a) Elect its board and the members of the Regional Management Committee;
- b) Approve the budget, the activity plan and the accounts of the Regional Management Committee;
- c) Deliberate on matters of regional scope on its own initiative or at the request of the Regional Management Committee.

Article 35

Regional Management Committee

The Regional Management Committee consists of a Chair and an even number of up to four members.

Article 36

Responsibilities of the Regional Assembly

The Regional Assembly shall:

- a) Represent the Ordem in the respective geographic area, namely before the public entities, whenever mandated to do so by the Management Committee;
- b) Implement the deliberations of the General Council and the Regional Assembly and the directives of the Management Committee;
- c) Exercise powers delegated by the Management Committee;
- d) Implement the budget for the regional delegation;
- e) Manage regional services;
- f) Prepare and submit the annual report and accounts the Regional Assembly approves to the Management Committee;
- g) Deliberate on any matter not included within the specific competencies of the other bodies.

SECTION IV

Professional specialty colleges

Article 37

Specialties

- a) Specialty colleges may be established whenever a given subject is considered to have particular technical and scientific characteristics, the importance of which implies a specialisation of knowledge or professional practice.
- b) Each specialty college shall be composed of all the full members of the corresponding specialty.
- c) Obtaining the title of specialist shall be governed by regulations drawn up by the Management Committee and approved by the General Council.
- d) The regulation referred to in the previous point shall only come into effect after approval by the member of government responsible for the health area.

Article 38

Installing Committee

1. Whenever a professional specialty college is formed, the Management Committee shall appoint an Installing Committee composed of a Chair, a secretary and three members, with a term to prepare a proposal for the access conditions, and internal and electoral regulations to be submitted to the General Council for approval.
2. Once the conditions for access, and the internal and electoral regulations have been approved, the Installing Committee shall enrol the members who meet the stipulated requirements for attributing the title of specialist and then start the electoral process.

Article 39

Specialty Council

1. Each professional specialty college shall be governed by a specialty council composed of a Chair, a secretary and three members elected for four years by the members of the respective specialty under its own regulations approved by the Management Committee.
2. The Chair shall have at least five years' experience in the specialty.

Article 40

Responsibilities of the Specialty Council

The Specialty Council shall:

- a. Propose to the Management Committee the criteria for attribution of the title of specialist physiotherapist in the respective area;

- b. Award the title of specialist physiotherapist;
- c. Draw up and keep the general list of specialist physiotherapists up to date;
- d. Promote closer national and international scientific and professional relations in each specialty;
- e. Ensure the scientific, technical and professional enhancement of its members.

SECTION V

Terms of Office

Article 41

Term of Office and Taking Office

1. The members of the elective bodies shall be elected for a term of four years.
2. The constitution or swearing-in of elective bodies, as the case may be, shall occur on the day of beginning the term of office, unless they are not elected on time, in which case the start of functions shall occur on the eighth day after the election.
3. If the new incumbents can't take office on the first day of their term of office, the outgoing incumbents shall remain in office until such date.
4. Whenever it is necessary to hold by-elections for any of the elective bodies, the respective term of office shall accompany the term of office of the remaining bodies.
5. Members of bodies may not be elected or appointed for a third consecutive term of office on the same body, nor a fourth consecutive term of office on different bodies.

Article 42

Removal, Resignation and Suspension

1. Members of the Ordem bodies shall have the right to resign the term of office for which they have been elected or appointed.
2. Any member of the Ordem bodies, except the Ordem's President, may request temporary suspension from exercising their functions for duly founded reasons, whereby the period of suspension shall not exceed six months.
3. Resignation or suspension from office shall be communicated to the Chairs of the respective bodies and the Chair of the General Council.
4. An exception to the provisions of the preceding paragraph is the resignation of the Ordem's President only to the Chair of the Presiding Board of the General Council.

Article 43

Vacancies, replacement and mid-term elections

1. The respective substitutes shall fill vacancies in collegiate bodies resulting from suspension, resignation, death or incapacity according to the regulations.
2. In the case of the Ordem's President, he/she shall be replaced by the Vice-Chairs of the Management Committee and, in the absence of the latter, by the Chair of the General Council.
3. Members of the Ordem bodies who exceed the number of absences provided for in the respective regulations, as well as those who are convicted of a disciplinary sanction that renders them ineligible for the position they hold or who incur in situations of incompatibility with the exercise of the profession, shall lose their term of office upon a decision of the Chair of the body to which they belong or of the respective presiding board, as the case may be.
4. The vacancy of more than half of the members of an elected collegiate body and the lack of replacement members shall require interim elections.
5. For the purposes of the preceding paragraph, if the term of office is less than one year away, the body shall remain in functions with the elected members, provided that they account for at least one-third of the number of body's members.

SECTION VI

Elections and Referenda

Article 44

Election Regulations

1. The elections shall be governed by electoral regulations, approved by the General Council, with due regard for the provisions of these By-Laws.
2. An Electoral Committee shall be responsible for conducting the electoral acts under the terms of the following article.

Article 45

Electoral Committee

- 1) The Electoral Committee shall be composed of the Chair of the Presiding Board of the General Council and one representative of each of the lists admitted to the ballot, to be appointed at the time of submission of the respective candidacies.
- 2) The Chair of the Presiding Board of the General Council shall Chair the Electoral Committee.
- 3) The Electoral Committee shall:
 - a) Receive and admit the candidatures presented to the ballot;

- b) Supervise the electoral process and resolve all issues arising within its scope;
 - c) Distribute among the candidacies the means of support made available by the Management Committee;
 - d) Tabulate the election results;
 - e) Decide on appeals to the decisions of polling stations.
- 4) The Electoral Committee shall have the support of the Ordem services, and all the Ordem bodies shall cooperate with it in the exercise of its functions.

Article 46

Date of Elections

- 1. Elections shall be held simultaneously for all elective bodies during the last quarter of the term of office and up to two weeks before its expiry.
- 2. In the case of interim elections, they shall take place no later than the sixtieth day following the event's occurrence that gave rise to them.

Article 47

Electoral Capacity

- 1. Members of the Ordem in full enjoyment of their rights and enrolled up to the date on which the elections are scheduled shall have the right to vote.
- 2. Notwithstanding the provisions regarding the Ordem's President, the Judicial Council and the Chairs of the speciality councils, all its members who are electors may be candidates for the Ordem bodies.

Article 48

Candidacies

- 1. Candidacies for national and regional bodies shall be presented to the respective Chair of the Electoral Committee.
- 2. Each candidate list shall be endorsed by a minimum of 50 voters for national bodies and 30 voters for regional bodies. The lists shall include all effective and substitute candidates for each of the bodies, together with the declaration of acceptance.
- 3. A minimum of 100 voters must subscribe candidatures for Ordem's President and the Judicial Council's office.
- 4. Nominations must be individualised for each body.

5. Candidacies shall be submitted at least 60 days before the election date.

Article 49

Equal Treatment

1. All lists admitted to the ballot shall enjoy equal treatment by the Ordem bodies and services.
2. The Ordem shall contribute towards the costs of the electoral campaigns and the electoral act, in an amount to be defined by the Management Committee and shared equally among the lists admitted to the ballot

Article 50

Electoral Rolls

1. The electoral rolls shall be posted at the national headquarters and, if any, at the regional offices, with the advance period provided for in the electoral regulations, and shall also be made available on the Ordem's website.
2. Any elector may complain to the Electoral Committee against irregular enrolment or omission from the electoral rolls within 15 days following posting. The Electoral Committee shall decide on the complaint within 48 hours.

Article 51

Checking and Remedying Irregularities

1. The Electoral Committee shall check the regularity of the candidacies within five days following the deadline for submission of lists.
2. The documentation shall be returned to the first subscriber of the list with the notification that it should be corrected within three working days.
3. Once the period referred to in the preceding paragraph has expired without the candidacies being corrected, the Electoral Committee shall reject them within the following 48 hours.

Article 52

Ballot Papers

1. The Ordem shall issue ballot papers under the control of the Electoral Committee.
2. Ballot papers and lists admitted to voting shall be sent by post or electronically to all members with electoral capacity up to seven days before the electoral act and shall also be available at the polling stations.

Article 53

Voter Identification

Voters are identified through their professional licence or, in its absence, by presenting their citizen card or any other official identification document with a photograph accepted by the polling station.

Article 54

Polling Stations

1. At least as many polling stations as constituencies, including one polling station at the national headquarters, shall be set up to hold the elections.
2. The Electoral Committee may determine the territorial division of constituencies.

Article 55

Voting

1. Elections shall be by universal suffrage.
2. Voting may be exercised in person, or by post or electronic means under the terms to be defined by regulation.
3. Opting to vote by post or electronically implies renouncing to vote in person.
4. Proxy voting is not permitted.

Article 56

Complaints and Appeals

1. Voters may present objections to the polling station on the grounds of irregularities in the electoral act. They must be decided by the close of the electoral act.
2. Complaints may be immediately appealed against to the Electoral Committee, which shall consider them within 48 hours and before final tabulation, and its decision shall be communicated to the appellants in writing, posted at the national headquarters and, where it exists, at the regional offices, and published on the Ordem's website.
3. The decisions of the Electoral Committee may be appealed to the Judicial Council within three working days from the date of their posting and publication.
4. The respective Chair shall convene the Judicial Council, and its decision shall be pronounced within ten working days.

Article 57

Referenda

1. By decision of the General Council, taken by an absolute majority on a proposal from the Ordem's President, any issues within the competence of the General Council, the Ordem's President or the Management Committee, except for financial and disciplinary matters, may be submitted to a consultative or binding referendum of the members of the Ordem
2. Approval of a proposal for the dissolution of the Ordem shall be subject to a mandatory referendum.
3. The holding of any referendum must be preceded by verifying its legal and regulatory conformity by the Judicial Council, under penalty of nullity and disciplinary responsibility of whoever allowed it to be held.
4. The organisation of referenda shall obey the regime established for elections, with the necessary adaptations, under the terms of the competent regulation.
5. In cases of omissions, the general principles of the political and legislative referendum regime established in the Constitution and the law shall apply.

CHAPTER III

External Responsibility of the Ordem

Article 58

Annual Report and Information Obligations

1. The Ordem shall draw up an annual report on the pursuit of its functions, which shall be submitted to parliament and the government by 31 March each year.
2. The Ordem shall provide parliament and the government with all information that may be requested regarding the pursuit of its functions.
3. The Ordem's President shall respond to the request of the competent parliamentary committees to provide any information and clarifications they require.

Article 59

Judicial Review

1. Acts and omissions of the Ordem bodies shall be subject to administrative jurisdiction under the terms of the respective legislation.
2. Judicial appeals may not be lodged before the internal appeals provided for in these By-Laws, namely those to the Judicial Council, have been exhausted.

CHAPTER IV

Asset and Financial Management

Article 60

Accounting Period

The accounting period shall be the same as the calendar year.

Article 61

Administrative Management

1. The Ordem shall have the services necessary for fulfilling its tasks under the terms of the respective regulations.
2. The Ordem is subject to the jurisdiction of the Court of Auditors.

CHAPTER V

Ordem Members

SECTION I

Enrolment

Article 62

Obligation

1. The attribution of the professional title, its use and the exercise of the profession of physiotherapist, in any sector of activity, individually or in a professional firm, depend on enrolment in the Ordem as a full member, notwithstanding the provisions of article 67(1).
2. For the purposes of the preceding paragraph, any sector of activity is considered - public, private, cooperative, social or other sector -, irrespective of whether the physiotherapist is self-employed or employed.
3. The provision of physiotherapy services by companies that employ or subcontract physiotherapists does not require registration with the Ordem, notwithstanding the regime of professional firms.
4. Illegal use of the professional title or practice of the profession without a title shall be punishable under the terms of criminal law.
5. No one may contract or use the services of physiotherapy professionals who are not enrolled in the Ordem.
6. Any breach of the provisions of the preceding point constitutes an administrative offence, punishable by a fine of between 3 and 10 times the value of the social support index (IAS), to be applied

by the minister of health, upon proposal by the Ordem, which is responsible for preparing the process and which receives 40% of the fines, the remaining 60% being kept by the state.

Article 63

Enrolment

- 1) The following may enrol in the Ordem for access to the profession of physiotherapist:
 - a) Holders of a higher academic degree in physiotherapy, conferred following a course with a duration of no less than four curricular years by a Portuguese higher education institution;
 - b) Holders of a foreign higher academic degree in physiotherapy who have been granted equivalence to the degree referred to in the previous paragraph;
 - c) Professionals who are nationals of Member States of the European Union or the European Economic Area and whose qualifications were obtained outside Portugal, under the terms of article 67
- 2) Enrolment of nationals of third States whose qualifications have been obtained outside Portugal and to whom the provisions of paragraph c) of the preceding point apply shall also depend on the guarantee of reciprocal treatment, under the terms of an international convention, including a convention entered into between the Ordem and the corresponding authority of the country of origin of the interested party.
- 3) The following may also be enrolled in the Ordem as members:
 - a) Professional firms of physiotherapists, including subsidiaries of associations of physiotherapists constituted under the law of another state under Article 68;
 - b) Permanent representations in Portugal of associations of physiotherapists constituted under the law of another state, under article 69.
- 4) Enrolment in the Ordem to exercise the profession of physiotherapist can only be refused:
 - a) For lack of higher academic training under the terms of point 1(a) to (c);
 - b) When the interested party has been barred or suspended from exercising the profession, as provided for by law, or due to a criminal, misdemeanour or disciplinary infraction.
- 5) Members can enrol in the Ordem at any time.

Article 64

Professional Licence

1. Upon Enrolment, a professional licence is issued and signed by the Ordem's President.
2. The professional license shall follow the model to be approved by the General Council.
3. The professional license shall be periodically revalidated under the terms of the regulations, provided that the assumptions that justified its issue continue to exist.
4. The issue of the professional license shall depend upon proof of subscription of professional liability insurance.

5. For the purposes of paragraph 4, the provisions of Article 38 of Law No. 2/2013 of 10 January shall be observed.

Article 65

Suspension and Cancellation

- 1) Members are suspended from the Ordem who:
 - a) Request suspension on their own initiative;
 - b) Are in a situation of incompatibility with the exercise of the profession;
 - c) Are punished with the disciplinary sanction of suspension or subject to preventive suspension in disciplinary proceedings.
- 2) Enrolment in the Ordem is cancelled for members who:
 - a) Voluntarily cease to exercise their professional activity and who inform the Management Committee;
 - b) Are subject to a disciplinary measure of expulsion or a penal or other sanction of professional interdiction according to the law.

SECTION II

Professionals from the European Union and the European Economic Area

Article 66

Right of Establishment

1. The recognition of the professional qualifications of a national of a Member State of the European Union or the European Economic Area obtained outside Portugal, for enrolment as a member of the Ordem, is regulated by Law No. 9/2009 of 4 March, as amended by Laws No. 41/2012 of 28 August, No. 25/2014 of 2 May, and No. 26/2017 of 30 May, notwithstanding special conditions of reciprocity, if the qualifications in question were obtained outside the European Union or the European Economic Area.
2. Any professional who intends to enrol in the Ordem under the terms of the previous point and who provides services, in a subordinate or autonomous way, or in the capacity of partner, or who acts as manager or administrator in the Member State of origin, within the scope of an associative organisation of professionals, should, in compliance with the provisions of article 37(4) of Law no. 2/2013 of 10 January, identify the organisation in question in the request submitted under the terms of article 47 of Law no. 9/2009 of 4 March.
3. If the fact to be communicated under the terms of the preceding point occurs after the application's presentation for recognition of qualifications, the associative organisation in question shall be identified to the Ordem within 60 days.

Article 67

Free Provision of Services

1. Professionals legally established in another Member State of the European Union or European Economic Area and who work there, that are comparable to the professional activity of physiotherapist regulated by these By-Laws, may exercise them, on an occasional and sporadic basis, in Portugal, under the terms of Law no. 9/2009 of 4 March.
2. The professionals referred to in the previous point can use the professional title of physiotherapist and are equated to physiotherapists, for all legal effects, except where the contrary is stipulated in the provisions in question.
3. Any professional who provides services, in a subordinate or autonomous way, or in the capacity of partner or who acts as manager or administrator in the Member State of origin, in the scope of an associative organisation of professionals and intends to exercise their professional activity in Portugal in that capacity, under the regime of free provision of services, shall tell the Ordem the associative organisation on behalf of which they provide services in the declaration referred to in article 5 of Law no. 9/2009 of 4 March.

SECTION III

Professional Firms

Article 68

Professional Firms

- 1) Physiotherapists established in Portugal may exercise the profession in a group, provided that they constitute or enter as partners into a professional firm of physiotherapists.
- 2) The following may also be members of firms of physiotherapists:
 - a) Societies of professional physiotherapists previously constituted and enrolled as Ordem members;
 - b) Associative organisations of professionals equivalent to physiotherapists incorporated in another Member State of the European Union or the European Economic Area, the majority of whose capital and voting rights are held by the professionals concerned.
- 3) The capital requirement referred to in paragraph b) of the preceding number shall not apply if the associative organisation has no share capital.
- 4) The judgement of equivalence referred to in paragraph 2(b) shall be governed:
 - a) By article 1(4) of Law no. 9/2009 of 4 March regarding nationals from a Member State of the European Union or the European Economic Area;
 - b) By the reciprocity regime internationally in force regarding third-country nationals whose qualifications have been obtained outside Portugal.
- 5) Firms of physiotherapists enjoy the rights and are subject to the duties applicable to professionals who are members of the Ordem compatible with their nature, namely being subject to the ethical principles and rules in these By-Laws.

- 6) Professional firms of physiotherapists are not recognised as having electoral capacity.
- 7) Members of the executive bodies of professional firms of physiotherapists, regardless of their membership of the Ordem, shall respect the ethical principles and rules, the technical and scientific autonomy and the guarantees conferred on physiotherapists by law and these By-Laws.
- 8) The professional firms of physiotherapists may exercise, on a secondary basis, any activity that is not incompatible with the activity of physiotherapist, for which there is no impediment under the terms of these By-Laws, the exercise of which is not subject to control by the Ordem.
- 9) The constitution and functioning of professional firms shall be laid down in a separate statute.

SECTION IV

Other Providers' Organisations

Article 69

Professional Membership Organisations from other Member States

- 1) The associative organisations of professionals equivalent to physiotherapists, constituted in another Member State of the European Union or of the European Economic Area, the majority of whose capital and voting rights belong to the professionals in question or other associative organisations, the majority of whose capital and voting rights belong to the professionals in question, may enrol their respective permanent representations in Portugal, constituted under the terms of company law, as Ordem members, and as such are equivalent to companies of physiotherapists for the purposes of these By-Laws.
- 2) The capital requirements referred to in the previous number shall not apply if the associative organisation has no share capital. The requirement of attribution of most voting rights to the professionals referred to therein shall apply instead.
- 3) The judgement of equivalence referred to in paragraph 1 shall be governed:
 - a) By article 1(4) of Law no. 9/2009 of 4 March for nationals from a Member State of the European Union or the European Economic Area;
 - b) By the reciprocity regime internationally in force for third-country nationals whose qualifications have been obtained outside Portugal.
- 4) The legal regime for the enrolment of professional associative organisations from other Member States is contained in Law No. 53/2015 of 11 June 2015, which establishes the legal regime for the establishment and operation of professional firms subject to public, professional associations.
- 5) Professional membership organisations from other Member States shall not be recognised as having electoral capacity.

Article 70

Other Providers

Legal entities that provide physiotherapy services and are not constituted as professional firms are not subject to enrolment in the Ordem, notwithstanding the obligation of enrolment in the Ordem of professionals who exercise the respective activity therein, under the terms of these By-Laws.

SECTION V

Rights and Obligations

Article 71

Rights

- 1) The rights of full members of the Ordem are
 - a) To exercise the profession of physiotherapist;
 - b) To elect and be elected to the Ordem bodies, notwithstanding the incapacities provided for in these By-Laws;
 - c) To participate in the activities of the Ordem and exercise any functions within its scope;
 - d) To be supported by the Ordem for the defence of their professional rights and interests, except concerning situations involving disciplinary responsibility before the Ordem;
 - e) To be informed by the Ordem about the studies, reports and opinions related to the exercise of the profession;
 - f) To participate in and benefit from the social and scientific activity of the Ordem, and use the services offered by the Ordem;
 - g) To benefit from the editorial activity and use the services offered by the Ordem;
 - h) To request the respective professional licence and the other documents necessary to exercise the profession;
 - i) To exercise the right of defence in any disciplinary procedure and to appeal against acts affecting their legally protected rights and interests;
 - j) To apply for the titles of specialty under the terms provided for in these By-Laws and the applicable regulations;
 - k) To request official proof of their professional qualifications;
 - l) To request the suspension or cancellation of their enrolment, under the terms of Article 65
 - 2) Failure to pay contributions for more than six months, after prior notice, shall result in disqualification from participating in the institutional life of the Ordem and from using its services for as long as that situation persists.
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Article 72

Obligations

The obligations of full members of the Ordem are

- a) To participate in the institutional life of the Ordem;
- b) To pay the dues and fees and other regulatory charges;
- c) To comply with and enforce the laws, regulations and resolutions of the Ordem bodies;
- d) To scrupulously respect the principles defined in the code of ethics;
- e) To provide committees and working groups with the collaboration requested of them;
- f) To perform the jobs for which they are elected and the functions to which they are appointed with their consent or which constitute an obligation under these By-Laws;
- g) To contribute to the good reputation of the Ordem and seek to extend its sphere of influence;
- h) To act jointly to defend the collective interests of the Ordem members;
- i) To keep the Ordem informed as to all personal and professional data contained in the professional register, namely as to professional domicile and any impediments to the exercise of the professional activity;
- j) To take out civil liability insurance

CHAPTER VI

Disciplinary System

SECTION I

General Provisions

Article 73

Disciplinary Violation

- 1) Any action or omission that consists in the breach, by any member of the Ordem, of the obligations prescribed by law, by these By-Laws and by the respective regulations shall be considered a disciplinary violation.
- 2) The disciplinary offence is:
 - a) Minor, when the defendant violates the professional obligations to which he/she is bound in the exercise of the profession in a minor way;
 - b) Serious, when the defendant seriously violates the professional obligations to which he/she is bound in the exercise of the profession;
 - c) Very serious, when the defendant violates the professional obligations to which he/she is bound in the exercise of the profession, by his/her conduct affecting the dignity and prestige of the profession in such a way as to be permanently unable to exercise the profession.

- 3) Disciplinary offences by intent or negligence provided for in these By-Laws and other applicable legal and regulatory provisions shall be punishable.

Article 74

Disciplinary Jurisdiction

1. Members of the Ordem shall be subject to the disciplinary authority of the Ordem bodies under the terms provided for in these By-Laws and the disciplinary regulations.
2. During the time of suspension of enrolment, the Ordem member shall remain subject to the Ordem's disciplinary authority.
3. Cancellation of enrolment shall not waive disciplinary responsibility for previously committed infractions to cease.
4. Punishment with the sanction of expulsion shall not terminate the disciplinary responsibility of the Ordem member concerning offences they committed before the final decision that applied that sanction.

Article 75

Independence of the Disciplinary Responsibility of Ordem Members

1. Disciplinary liability shall be independent of civil and criminal liability arising from the commission of the same fact and shall coexist with any other liability provided by law.
2. When, based on the same facts, criminal proceedings have been brought against a Ordem member and, to ascertain the existence of a disciplinary infraction, it is necessary to judge any issue that cannot be conveniently resolved in the disciplinary proceedings, suspension of the disciplinary proceedings may be ordered for a period during which, under a judicial decision or of judicial examination of any issue, the corresponding disciplinary proceedings cannot commence or continue.
3. The Ordem shall communicate the suspension of the disciplinary process under the terms of the preceding paragraph to the competent judicial authority, which shall order a copy of the accusation and, if any, of the indictment be sent to the Ordem.
4. Whenever, in criminal proceedings against a Ordem member due to facts that may constitute disciplinary infractions, a date for the hearing is set, the court shall order that the indictment, and the statement of defence, if any, as well as any other information requested by the Management Committee or by the Ordem's President, be sent to the Ordem, preferably by electronic means.
5. The disciplinary liability of members towards the Ordem arising from the commission of infractions shall be independent of the disciplinary liability towards their employers for violation of obligations arising from employment relationships.

Article 76

Disciplinary Liability of Professional Firms and Professionals in Free Provision of Services

1. The legal entities that are Ordem members are subject to the disciplinary authority of its bodies, under the terms of these By-Laws and of Law No. 53/2015 of 11 June.
2. Professionals providing services in Portugal under the regime of freedom to provide services shall be treated in the same way as Ordem members for disciplinary purposes, under the terms of article 4(2) of Law No. 9/2009 of 4 March, with the specificities set out in article 84(8) and the disciplinary regulations.

Article 77

Statute of Limitations

- 1) The disciplinary procedure shall be extinguished by the statute of limitations as soon as five years have elapsed since the infraction was committed, except as provided in the following paragraph.
- 2) If the disciplinary offence simultaneously constitutes a criminal offence for which the law establishes a longer statute of limitations, the disciplinary procedure shall only reach the statute of limitations after the expiry of the latter period.
- 3) The statute of limitations for disciplinary proceedings shall run from the day the fact occurred.
- 4) For the purposes of the preceding paragraph, the statute of limitations only runs:
 - a) In one-off infractions, from the moment they are committed;
 - b) In continuous infractions, from the day of the practice of the last act;
 - c) In permanent infractions, from the day on which they cease.
- 5) The disciplinary procedure shall also be subject to the statute of limitations if, from the time of the knowledge by the competent body of the initiation of the disciplinary process or the participation made under the terms of article 81(1), the corresponding disciplinary procedure is not initiated within one year.

Article 78

Suspension and Interruption of the Statute of Limitations Period for Disciplinary Proceedings

- 1) The statute of limitations of the disciplinary procedure is suspended during the time in which:
 - a) The disciplinary process is suspended, awaiting an accusation or indictment in criminal proceedings;
 - b) The disciplinary proceedings are pending, as from the notification of the charge rendered in such proceedings.
- 2) The suspension of the statute of limitations for disciplinary proceedings shall not exceed 18 months.
- 3) The statute of limitations period shall start running again from the day the cause for suspension ceases.
- 4) The statute of limitations for the disciplinary procedure is interrupted with the notification to the defendant physiotherapist:
 - a) of the initiation of disciplinary proceedings;
 - b) of the accusation.
- 5) After each interruption period, a new statute of limitations period starts.

SECTION II

Exercise of Disciplinary Action

Article 79

Participation

- 1) The following can legitimately inform the Ordem of facts that may constitute a disciplinary infraction:
 - a) Any person directly or indirectly affected by the facts;
 - b) The Management Committee;
 - c) The ombudsman of the service receivers;
 - d) Unofficially, the Chair of the Judicial Council;
 - e) The Public Prosecutor's Office, under paragraph 3.
- 2) The courts and any other authorities shall inform the Ordem of the practice, by its members, of facts that may constitute a disciplinary infraction.
- 3) The Public Prosecutor's Office and the criminal police departments shall send the Ordem a certificate of the denunciations, reports or complaints filed against Ordem members that may constitute facts that may constitute a disciplinary infraction.

Article 80

Withdrawal of Participation

The withdrawal of the disciplinary participation by the participant extinguishes the disciplinary procedure unless the infraction charged affects:

- a. The dignity of the Ordem member and, in this case, the member expresses the intention to continue the process;
- b. The prestige of the Ordem or the profession in any of its specialties.

Article 81

Initiation of Disciplinary Proceedings

1. Any Ordem body having facts that may constitute a disciplinary infraction by a Ordem member, *ex officio* or based on a complaint, denunciation or participation submitted by a duly identified person, shall immediately send the facts to the competent body to start disciplinary proceedings.
2. Where a report is unfounded, it shall be brought to the attention of the Ordem member concerned, and the certificates that he/she deems necessary for the protection of his/her legitimate rights and interests shall be issued.

Article 82

Legal Standing

Persons with a direct, personal and legitimate interest concerning the facts reported may ask the Ordem to intervene in the proceedings and request and allege whatever they deem appropriate.

Article 83

Subsidiary Law

Notwithstanding the provisions of these By-Laws, disciplinary procedures shall be governed by the disciplinary regulations, and the procedural norms provided for in the General Labour Law in Public Functions (“Lei Geral do Trabalho em Funções Públicas”), approved by Law No. 35/2014 of 20 June, shall apply subsidiarily.

SECTION III

Disciplinary Sanctions

Article 84

Application of Disciplinary Sanctions

- 1) There are the following disciplinary sanctions:
 - a) Warning;
 - b) Registered reprimand;
 - c) Fine;
 - d) Suspension of rights and benefits concerning the Ordem, including electoral rights, up to a maximum of two years;
 - e) Suspension of professional exercise up to a maximum of two years;
 - f) Expulsion.
- 2) The sanction provided for in paragraph a) of the preceding paragraph shall be applied to infractions committed with minor faults that have not resulted in serious prejudice to third parties or the Ordem.
- 3) The sanction provided for in paragraph 1(b) shall be applied to disciplinary infractions committed with serious negligence, for a non-serious infraction or in case of recidivism in the infractions referred to in the preceding paragraph.
- 4) The sanction provided for in paragraph 1(c) applies to serious infractions that should not be punished with a more severe sanction and varies between 1 and 10 times the value of the IAS.
- 5) The sanction provided for in paragraph 1(d) shall apply in the case of culpable non-payment of the due quotas and fees for a period exceeding one year.
- 6) The sanction provided for in paragraph 1(e) shall apply to a disciplinary infraction that seriously affects the dignity and prestige of the profession or harms the relevant rights or interests of third parties.

- 7) The sanction provided for in paragraph 1(f) shall apply to a very serious infraction when, taking into account the nature of the profession, the disciplinary infraction has endangered the life or physical integrity of persons or is seriously prejudicial to the honour or property of others or equivalent values, notwithstanding the right to rehabilitation under the terms of the disciplinary regulations.
- 8) In the case of professionals under the regime of freedom to provide services in Portugal, the sanctions provided in paragraphs Point 1(e) and (f) shall take the form of temporary or definitive prohibition of the exercise of the professional activity in Portugal, as the case may be, and the provisions of article 102 shall apply, with the necessary adaptations
- 9) Whenever the infraction results from the violation of a duty by omission, compliance with the sanctions applied shall not exempt the defendant from complying with it, if still possible.

Article 85

Matters to be Considered when Imposing Penalties:

In applying sanctions, the professional and disciplinary record of the defendant, the degree of guilt, the seriousness and consequences of the infraction, the defendant's economic situation and all other aggravating or attenuating circumstances shall be taken into consideration.

Article 86

Other Sanctions

The application of sanctions more serious than a registered reprimand may be accumulated with the following additional sanctions:

- a) Removal from office, in the case of a Ordem member who holds any office in the respective bodies;
- b) Impossibility of being included in a candidate list for the Ordem bodies for up to 15 years.

Article 87

Accumulation of Infractions

Notwithstanding the provisions of these By-Laws regarding additional sanctions, a Ordem member may not be subjected to more than one disciplinary sanction for each punishable fact.

Article 88

Suspension of Sanction

1. Disciplinary sanctions of warning, registered reprimand and suspension may be suspended when, taking into account the offender's personality, the conditions of his/her life, his/her conduct before and after the offence and the circumstances of the offence, it is concluded that the simple censure of the behaviour and the threat of the sanction adequately and sufficiently fulfil the purposes of the sanction.

2. The time of suspension shall not be less than six months for the sanctions of warning and registered reprimand and one year for suspension, nor longer than two and three years, respectively, counting from the date of commencement of the enforcement of the sanction.

3. The suspension of the sanction shall cease whenever, concerning the punished Ordem member, a sentence of conviction is pronounced in new disciplinary proceedings.

Article 89

Enforcement of Sanctions

1. The Management Committee is responsible for enforcing the decisions taken in disciplinary proceedings, namely to carry out the necessary acts for effective suspension or cancellation of enrolment of suspended or expelled Ordem members are applied, respectively.

2. The suspension or expulsion shall imply the temporary or definitive prohibition, respectively, of the practice of any professional activity related to physiotherapy, as well as the surrender of the professional license at the Ordem headquarters.

Article 90

Disciplinary Sanction Enforcement

1. Disciplinary sanctions shall begin to produce their effects on the day after the decision becomes final.

2. If, on the date on which the decision becomes final, the enrolment of the defendant is suspended for non-disciplinary reasons, the fulfilment of the disciplinary sanction of suspension shall begin the day following the lifting of the suspension.

Article 91

Deadline for Payment of Fines

1. Fines imposed under the terms of Article 84 (1) (c) shall be paid within 30 days from the date the sanction takes effect.

2. A Ordem member who does not pay the fine within the period referred to in the preceding number shall have his/her enrolment suspended by decision of the disciplinary body communicated to them.

3. The suspension may only be lifted after payment of the amount due.

Article 92

Communication and Publicity

1. The Management Committee shall communicate the application of any of the sanctions provided for in article 84(b) to (f) to the professional firm or associative organisation on behalf of which the defendant provided services at the date of the facts, and to the competent authority in another Member State of the European Union or the European Economic Area, for the control of the activity of the defendant established in that Member State.
2. Suspension or expulsion sanctions may only be applied after a public hearing, except in the absence of the accused, under the disciplinary regulations.
3. The sanctions provided for in article 84(e) and (f) shall be disclosed through the Ordem's website and in places considered suitable for fulfilling the purposes of general prevention of the legal system.
4. Disciplinary sanctions provided for in article 84(b) to (d) shall always be made public unless the Judicial Council justifiably determines otherwise for reasons connected with the defence of the interests of the Ordem or the rights or legitimate interests of third parties.

Article 93

Statute of Limitations of Disciplinary Sanctions

Disciplinary sanctions shall lapse within the following time limits, starting from the date on which the decision became final:

- a) One month, for the registered reprimand;
- b) Three months, for fines;
- c) Six months, for the suspension provided for in article 84(d) and (e);
- d) One year, for expulsion.

Article 94

Conviction in Criminal Proceedings

1. Whenever a prohibition to exercise the profession for a determined period is imposed in criminal proceedings, it shall be deducted from the disciplinary sanction of suspension that, for the commission of the same facts, may be imposed on the Ordem member.
2. Conviction of a Ordem member in criminal proceedings shall be communicated to this entity to add it to the respective record.

SECTION IV

The Process

Article 95

Obligation

The application of a disciplinary sanction shall always be preceded by ascertaining the facts and disciplinary responsibility in a proper procedure, under the terms provided for in these By-Laws and the disciplinary regulation.

Article 96

Forms of the Process

- 1) Disciplinary action shall take the following forms:
 - a) Inquiry procedure;
 - b) Disciplinary process
- 2) The inquiry procedure shall be applicable where it is impossible to identify the existence of a disciplinary infraction or the respective offender, and where it is necessary to conduct summary proceedings to clarify the facts in question.
- 3) Disciplinary proceedings shall be applied whenever a Ordem member is charged with specific and susceptible facts of constituting a disciplinary infraction.
- 4) After having ascertained the offender's identity, or as soon as the facts reported have been minimally specified or clarified, and are likely to constitute a disciplinary infraction, the inquiry procedure shall be immediately converted into a disciplinary process through a briefly grounded opinion.
- 5) When participation is manifestly unfeasible or unfounded, it must be closed in compliance with the terms of article 81(2).

Article 97

Disciplinary Process

- 1) The disciplinary process shall be laid down in the disciplinary regulation.
- 2) The disciplinary process shall consist of the following stages:
 - a) Investigation;
 - b) Defence of the accused;
 - c) Decision;
 - d) Enforcement.
- 3) Regardless of the stage of the disciplinary process, the accused shall be ensured all guarantees of defence under the general terms of the law.

Article 98

Preventive Suspension

1. After hearing the accused or if, having been notified, he/she does not appear to be heard, his/her preventive suspension may be ordered by a decision taken by a qualified majority of two-thirds of the members of the Ordem's competent body.
2. The suspension referred to in the previous number may only be ordered in cases where there is evidence of a disciplinary infraction corresponding to one of the sanctions provided in article 84(1) (e) or (f)
3. Preventive suspension shall not exceed three months and shall always be deducted from the suspension sanction.

Article 99

Confidential Nature of Proceedings

1. The proceedings are confidential until the indictment or the closure of the case.
2. The rapporteur may authorise consultation of the case file by the accused, by the participant or by interested parties, where this does not result in inconvenience to the investigation and on condition that it is not disclosed.
3. The accused or the interested party, when a Ordem member, who does not respect the confidential nature of the proceedings, incurs disciplinary liability.

SECTION V

Guarantees

Article 100

Judicial Review

The decision to apply a disciplinary sanction shall be subject to administrative jurisdiction under the respective legislation.

Article 101

Revision

- 1) The revision of a final decision pronounced by the Ordem bodies with disciplinary competence is admissible whenever:

- a) A final court decision declares any element or means of evidence which was decisive for the revoked decision false;
 - b) A final court decision has proved a criminal offence committed by a member or members of the body which issued the contested decision in connection with the exercise of their functions in the case;
 - c) The facts that served as a basis for the convicting decision are irreconcilable with those proven in another final decision, and the opposition results in serious doubts as to the justice of the conviction;
 - d) New facts or evidence have been discovered which, on their own or in combination with those examined in the case, cast serious doubt on the justice of the conviction handed down.
- 2) Mere allegation of illegality, whether formal or substantial, of the disciplinary process and decision shall not constitute grounds for review.
 - 3) The revision is permissible even if the process is extinct or the sanction has reached the statute of limitations or completed.
 - 4) The exercise of the right of review provided for in this article shall be governed by the applicable provisions of the disciplinary regulations.

Article 102

Vocational Rehabilitation

- 1) A Ordem member who has been expelled may, upon application, be subject to a rehabilitation process provided that the following requirements are cumulatively met:
 - a) More than ten years have elapsed since the decision imposing the sanction became final;
 - b) The former member has shown good conduct.
- 2) Once rehabilitation has been decided upon, the rehabilitated Ordem member shall fully recover his/her rights, and due publicity shall be given under the terms of article 92, with the necessary adaptations.

CHAPTER VII

Professional Ethics

Article 103

General Principles of Professional Conduct

The principles of professional conduct of physiotherapists are

- a) To guide his/her actions, in the different areas of professional activity, by the ethical principles governing scientific practice and the profession;
- b) To comply with and enforce the ethical standards applicable to the profession;
- c) To report all situations that do not comply with the ethical standards applicable to the profession.

Article 104

General Obligations

Physiotherapists must respect the following general principles in their professional conduct.

- a) To act with professional independence and impartiality;
- b) To enhance and dignify the profession;
- c) To exercise their activity with diligence and zeal;
- d) To use scientific and technical instruments appropriate to the rigour required in the practice of the profession, developing a practice informed and guided by scientific evidence;
- e) To provide adequate information to the patient, making him/her understand it so that he/she can freely choose, enabling him/her to voluntarily consent or decline a service, treatment or participation in research;
- f) To place their capacity at the service of the public interest inherent to the profession;
- g) To commit to the establishment of a social cooperation dynamic aimed at improving individual and collective well-being;
- h) To commit to the continuous updating of their knowledge and their scientific, technical and professional capacities;
- i) To avoid misinterpretation of the explicit or implicit contents of technical support documents for the exercise of the profession, to deceive the good faith of others;
- j) To recognise their professional skills and preserve the autonomy of the profession, seeking multidisciplinary support when necessary;
- k) To defend and uphold professional secrecy, demanding the same from persons under their direction or guidance;
- l) To know and act under the legal and regulatory precepts;
- m) To respect the incompatibilities arising from the law;
- n) To comply with and enforce the ethical standards applicable to the profession;
- o) To identify themselves precisely as a Ordem member, namely through their professional name and professional licence number;
- p) To report all situations that do not comply with the ethical standards applicable to the profession to the Judicial Council;
- q) To refrain from exercising their activity in professional areas for which they have not received specific training;
- r) To refuse any interference in the exercise of their activity that might put into question technical-scientific or ethical aspects associated with the professional exercise, regardless of their jobs and hierarchical dependencies or the place where they carry out their activity;
- s) To abstain from diverting for their own private care, with lucrative purposes, patients being attended or assisted in an institution with which they maintain any type of link;
- t) To refuse any incentives or offers that may affect or be interpreted as likely to affect good professional practice.

Article 105

Obligations Towards the Ordem

The specific obligations of physiotherapists towards the Ordem are :

- a) To respect these Ordem By-Laws and regulations;
- b) To comply with the Ordem's deliberations;
- c) To collaborate in the tasks of the Ordem and exercise the offices for which they have been elected;
- d) To cooperate in disciplinary procedures;
- e) To denounce situations of illegal exercise of the profession, namely, lack of academic or professional qualifications, including lack of enrolment in the Ordem, or suspension or interdiction.

Article 106

Obligations towards Patients

Within the scope of their relations with patients, physiotherapists must

- a) Provide their services with respect for the dignity of the patients, their needs and their personal values, without any kind of discrimination;
- b) Keep clear, up-to-date records;
- c) Guarantee the confidentiality and privacy of the information collected in the performance of their jobs;
- d) Provide sufficient information on the services to be provided, for an informed choice, respecting the patients' autonomy;
- e) Guide professional activity by criteria of honesty and integrity;
- f) Provide a detailed description of the services and their associated cost.

Article 107

Reciprocal Obligations Between Physiotherapists

In the exercise of their profession, physiotherapists shall:

- a) Treat colleagues with courtesy and respect;
- b) Refrain from denigrating the work of colleagues, notwithstanding the freedom of critical appraisal;
- c) Refrain from practising acts of unfair competition, notwithstanding free competition in the provision of services;
- d) Promote an environment that fosters ethical behaviour, quality of service, evaluation and opportunities to improve professional performance;
- e) Support and guide the work of colleagues who are newer to the profession, promoting their professional integration;
- f) Maintain the principle of impartiality in any evaluation of performance, and recognise legitimate differences of opinion;

- g) Respect different ways of acting, as long as they fall within the professional area, as well as different professional opinions;
- h) Mention the contributions of other colleagues, as collaborators and information providers, within the scope of scientific and other works.

Article 108

Obligations towards Other Professionals

When physiotherapists have to deal with other professionals as part of their professional activity, namely in the healthcare area, they shall:

- a) Remain faithful to the technical and scientific rigour inherent to their professional activity;
- b) Recognise their technical and professional competencies and seek multidisciplinary support when necessary, preserving the autonomy of the profession and respecting the limits of each professional's actions;
- c) Cooperate with other professionals, respecting the obligations and responsibilities arising from the ethical standards applicable to the profession and the standards of professional conduct of other professionals;
- d) Collaborate with other professionals to share information whenever relevant to ensure the best possible healthcare to the patient.

Article 109

Privacy and Confidentiality

1. Physiotherapists must ensure the maintenance of privacy and confidentiality of all information regarding their patients, including the existence of the relationship itself, as well as to know the specific situations in which confidentiality presents some ethical or legal limitations.
2. Physiotherapists collect and register only the strictly necessary information about the patients, according to the objectives in question.
3. The patients shall be informed about how the records referred to in the previous number are used and how long the information is kept, and under what conditions.
4. The filing, processing, maintenance and destruction of records, reports or any other documents about the patients shall be carried out in such a way as to ensure the privacy and confidentiality of the information.
5. The patients have the right to access information about themselves and obtain adequate assistance to understand that information better.
6. Non-maintenance of confidentiality may be justified whenever there is considered to be a situation of danger to the patient or to third parties, which may pose a serious threat to physical or psychological integrity, risk of significant harm, or any form of ill-treatment of individuals, minors or adults, who are particularly defenceless, due to age, disability, illness or other conditions of physical, psychological or social vulnerability.

7. Physiotherapists who are part of working teams in interdisciplinary and institutional articulation situations may share information considered confidential about the patients, considering the patients' interest, restricting themselves to that which is strictly necessary for the objectives in question.

Article 110

Development of Ethical Rules

The ethical rules for physiotherapists are contained in a code of ethics approved by the General Council.

CHAPTER VII

One-Stop-Shop and Transparency of Information

Article 111

Documents and One-Stop Shops

1. The Ordem shall have an electronic site to provide information, notifications and appropriate responses within the scope of Law 9/2009 of 4 March and Decree-Law 92/2010 of 26 July.
2. All requests, communications and notifications between the Ordem and professionals, physiotherapist firms or other professional associations, except those relating to disciplinary procedures, shall be made by electronic means, through the services of the electronic one-stop-shop, referred to in articles 5 and 6 of Decree-Law No. 92/2010 of 26 July, accessible through the Ordem's website.
3. When, due to unavailability of the electronic platforms, it is not possible to comply with the provisions of the preceding number, the transmission of the information under review may be made by delivery to the Ordem's services by registered mail, by fax or by electronic mail.
4. The presentation of documents in a simple form, in the terms of the previous numbers, exempts the remittance of authentic, authenticated or certified original documents, notwithstanding the provisions of article 7 point 3(a), (4) and (5) of Decree-Law No. 92/2010 of 26 July.
5. The provisions of Article 5(d) and (e) and Article 7(1) of Decree-Law 92/2010 of 26 July also apply to the procedures referred to in this article.

Article 112

Information on the Ordem's Website

In addition to the information provided for in Article 23 of Law No. 2/2013 of 10 January, in Article 6(3) of Decree-Law No. 92/2010 of 26 July and in Article 19(4) of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information services, in

particular electronic commerce, in the internal market, the Ordem shall make the following information available to the general public, through its website:

- a) Regime for access to and exercise of the profession;
- b) Ethical principles and rules, and technical standards applicable to its members;
- c) Procedure for lodging complaints or claims by patients concerning the services provided by professionals within the framework of their activity;
- d) Job offers in the Ordem;
- e) An up-to-date record of its members with:
 - i) Name, professional domicile and number of professional licence or credentials;
 - ii) The designation of the title and the professional specialties;
 - iii) The situation of temporary suspension or interdiction of the exercise of the activity, if applicable;
- f) An updated record of professionals who freely provide services within Portugal, who are considered to be enrolled under the terms of Article 4(2) of Law No. 9/2009 of 4 March, which contains:
 - i) The name and professional domicile and, if applicable, the designation of the original professional title and respective specialties;
 - ii) The identification of the public, professional association in the home Member State of origin, with which the professional is registered;
 - iii) The situation of temporary suspension or prohibition of the exercise of the activity, if applicable;
 - iv) Information about the professional associations or other forms of professional organisations in which they provide services in the home Member State of origin if they provide services in that capacity here.

Article 113

Administrative Cooperation

The Ordem provides and requests from the administrative authorities of the other Member States of the European Union and the European Economic Area, and from the European Commission, mutual assistance and takes the necessary measures to cooperate effectively, in particular through the Internal Market Information System, in the framework of the procedures relating to service providers already established in another Member State, pursuant to Chapter VI of Decree-Law No. 92/2010 of 26 July, of article 51(2) of Law 9/2009 of 4 March and of article 19(2) and (3) of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000.

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