

ORDEM DOS FISIOTERAPEUTAS

Regulation N°359/2021

Abstract: Enrolment Regulations of the Ordem dos Fisioterapeutas.

Enrolment Regulations of the Ordem dos Fisioterapeutas

Law 122/2019 of 30 September provides, in article 5 and article 63 of the By-Laws of the Ordem dos Fisioterapeutas attached, for the enrolment of physiotherapy professionals. However, it does not expressly provide for the approval of an enrolment regulation that incorporates the rules on the respective procedures to guide the Installing Committee and, in the future, the Ordem's internal bodies or the persons interested in such enrolment.

Under Article 4(1)(a) and (b) of Law 122/2019 of 30 September, Article 63 of the attached By-Laws, and Ministerial Order No. 12067/2019 of 11 December published in DR 2-A on 17 December, and Order No. 3657/2021 of the assistant secretary of state and health on 31 March, published in DR 2-A on 9 April, the Enrolment Regulations of the Ordem dos Fisioterapeutas are hereby approved, which are governed by the following articles:

ARTICLE 1

PURPOSE

The purpose of these regulations is to define the standards inherent to the enrolment of physiotherapists in the Ordem dos Fisioterapeutas, hereafter designated as the Ordem.

ARTICLE 2

MANDATORY REQUIREMENT

1. The attribution of the professional title, its use and the exercise of the profession of physiotherapist, in any sector of activity, depend on enrolment in the Ordem as a full member.
2. No one who is not enrolled in the Ordem may be called a physiotherapist or practice physiotherapy.
3. Enrolment in the Ordem may occur at any time.
4. Enrolment as a member of the Ordem is undertaken under the terms of article 2 of Law 122/2019 of 30 September, article 63 of the By-Laws, approved as an annex to that law, and these regulations.

ARTICLE 3
ENROLMENT

- 1) The following can enrol in the Ordem:
 - a) Holders of a higher academic degree in physiotherapy, conferred following a course with a duration of not 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, whose qualifications were obtained outside Portugal, under the terms of article 67 of the By-Laws.
- 2) The following may also be enrolled in the Ordem as members:
 - a) Physiotherapy professionals who, under the applicable legal provisions, exercise the profession of physiotherapist;
 - b) Holders of the professional physiotherapist licence, issued under the terms of Decree-Law No. 320/99 of 11 August.
- 3) Enrolment of nationals of third countries whose qualifications have been obtained outside Portugal, and to whom the provisions of point 1(c) 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.
- 4) 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 of the By-Laws;
 - b) Permanent representations in Portugal of associative organisations of physiotherapists constituted under the law of another state, under the terms of article 69 of the By-Laws.
- 5) 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), notwithstanding the provisions of article 2(4);
 - 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.
- 6) The interested parties must request the recognition provided for the purposes of point 1(c).
- 7) Enrolment in the Ordem may be made in any specialties recognised under the terms defined in the Regulation of Specialties, following their creation.

ARTICLE 4

ENROLMENT PROCEDURE

1. Enrolment is made on the Ordem's website on a dedicated page for that purpose, which will check the request and the attached documentation, which are to be scanned as provided in article 5 and Annexes I to VIII of these Regulations.
2. The dedicated page will contain all the relevant instructions for the enrolment procedure in the Ordem.
3. Notwithstanding the provisions of point 1, the application for enrolment may be submitted at the Ordem headquarters, without prejudice to the possibility that it may be made at the regional delegations of the North, Centre, South, Madeira and Azores, after the respective creation and according to the area where the applicant will exercise the activity of physiotherapy, during office hours and accompanied by the documents referred to in the final part of the previous number.
4. Enrolment is only considered to have been made after final approval by the Installing Committee or made after the end of its mandate by the Management Committee.
5. The date of enrolment is the day on which the Installing Committee/Management Committee has approved the request, and seniority will be counted from that date.
6. The Ordem shall provide a field for public disclosure and another for private disclosure to full members of various identification data, under the rules in force regarding the protection of personal data. The respective authorisation is granted upon enrolment.
7. Within 30 days after the approval referred to in point 5, the Ordem shall issue the professional license that entitles the applicant to practice physiotherapy, notwithstanding that an enrolment form may temporarily replace it.

ARTICLE 5

DATA AND DOCUMENTATION FOR APPLICATION AND ENROLMENT

1. Registration involves filling out the form, available on the Ordem's official website, with the data referred to in Appendix I to these regulations.
2. The documents referred to in Annex II and, as the case may be, in Annexes III, IV or V to these regulations shall be submitted with the registration.
3. The documentation required in these regulations and listed in Annexes I to V shall be made compatible with compliance with the rules set out in Law No. 9/2009 of 4 March, in its current wording, on the recognition of professional qualifications.
4. The Ordem shall ensure the processing of personal data under the law in force.

ARTICLE 6

ENROLMENT PROCESS

1. The enrolment process shall be managed by the Technical Commission for Admission, which shall operate under the auspices of the Installing Committee/Management Committee and shall give its opinion on the application for enrolment before the final decision.
2. Upon accepting the application for enrolment, the duly dated professional licence signed by the Chair of the Installing Committee/President shall be sent to the Technical Admission Commission, which shall then hand it over to the applicant.

ARTICLE 7

PROFESSIONAL LICENCE

1. The professional licence signed by the Chair of the Installing Committee/Ordem's President shall constitute proof of enrolment.
2. The professional licence shall be valid for five years.
3. The professional licence model and details are provided in Annex VIII to this Regulation, which is an integral part of it.
4. In the event of loss, theft or destruction of the professional licence:
 - a) The member shall request a 2nd copy, using the appropriate form;
 - b) The central services of the Ordem, or the regional delegations when they exist, after considering the request justified, prepare a new professional licence and send it, along with the form, to the Installing Committee/Management Committee for it to be dated and signed, after which it will be sent to the member in question.

ARTICLE 8

AMENDMENTS TO THE ENROLMENT

- 1) The following shall be added to the enrolment
 - a) Its cancellation, indicating the reason;
 - b) Its suspension, with the same information;
 - c) Any disciplinary sanction, once the respective decision is final;
 - d) The lifting of the suspension, and why it was lifted;
 - e) Any offices that the interested party holds or has held in the Ordem;
 - f) The awarding of the title of specialist in any of the specialties provided for in the respective regulations;
 - g) Transfers of professional residence and any other facts that may influence the enrolment.
 - i) Cancellation or suspension of the enrolment shall entail returning the professional licence, which is a precondition for granting the request on the initiative of the physiotherapist.
 - ii) For the purposes of the provisions of the previous number, if the professional licence is not returned within 20 working days, it shall be deemed as having been returned.

- iii) The member should advise the Installing Committee/Management Committee of any changes in professional domicile and any other facts that may alter the data supplied at enrolment within 30 working days.
- iv) The certificates extracted from the enrolments shall not contain the amendments/registering of disciplinary sanctions, except when requested in full by the interested parties or expressly ordered in full by the Installing Committee/Management Committee.

ARTICLE 9

FEES FOR ENROLMENT AND REGISTRATION

Enrolment requires payment of an enrolment and registration fee. The amounts are provided in the respective regulations and must be paid for professionals to practice.

ARTICLE 10

SUSPENSION OF ENROLMENT

Members shall be suspended from the Ordem if they:

- a) Are subject to the disciplinary measure of suspension;
- b) Request it when they wish to temporarily interrupt the practice of physiotherapy, provided that they do not have any outstanding dues;
- c) Are in a situation of incompatibility with the exercise of the profession of physiotherapist.

ARTICLE 11

CANCELLATION OF ENROLMENT

Enrolment in the Ordem shall be cancelled from members who

- a) Are subject to the disciplinary measure of expulsion;
- b) Voluntarily cease to exercise the professional activity and demonstrate this to the Installing Committee/Management Committee.

ARTICLE 12

APPEALS

1. The decisions of the Installing Committee in matters of enrolment may be appealed under the law.
2. Administrative appeals concerning enrolment shall be subject to the rules of the Administrative Procedure Code.

3. The decisions on appeals referred to in paragraph 1 may be contested in the administrative courts under the law.

ARTICLE 13

PROVISION OF INFORMATION

1. When enrolling in the Ordem, and whenever deemed appropriate, members or applicants may be requested to complete forms, where they provide information that will enable the Ordem to prepare studies that provide information on the exercise of physiotherapy in Portugal.
2. The information referred to in the previous number, its processing and the handling of personal data shall be carried out under the terms of the legislation in force regarding the processing of personal data.

ARTICLE 14

OMITTED SITUATIONS

1. The Installing Committee/Management Committee shall resolve any situations omitted in these regulations.

ARTICLE 15

TECHNICAL ADMISSION COMMISSION

1. The Technical Admission Commission shall be composed of 3 to 7 members appointed by the Installing Committee/Management Committee.
2. The term of office of the members of the Technical Admission Commission shall last for one year, notwithstanding that the Installing Committee/Management Committee may, for a justified reason, terminate the term of office before the end of the respective term.

ARTICLE 16

TRANSITORY PROVISIONS

1. All powers provided for in these regulations shall, with the necessary adaptations, be exercised by the Installing Committee until the nomination of the National Bodies, symbolised by the swearing-in of the Ordem's President.
2. Acceptance or refusal of enrolment shall require a two-thirds majority of the Installing Committee/Management Committee members and may only be refused under the terms of Article 63 of the By-Laws.

3. Notwithstanding the provisions of these regulations and those contained in the Annexes, the Installing Committee/Management Committee may request other documents that are legally relevant, depending on the circumstances and conditions.

ARTICLE 17

ENTRY INTO FORCE

1. These Regulations shall enter into force on the first working day following its publication.
2. 15 February 2021. - The Chair of the Installing Committee, *Isabel Maria Sander de Souza Guerra*.

ANNEX I

DATA TO BE GIVEN IN THE ENROLMENT FORM

- 1) The enrolment form is completed with the following data:
 - a) Full name;
 - b) Intended professional name;
 - c) Date of birth;
 - d) Address;
 - e) Email;
 - f) Telephone contacts;
 - g) Preferred contact
 - h) Nationality;
 - i) Place of birth
 - j) Parents' names;
 - k) Gender
 - l) Number, issuing entity and date of Citizen Card or another valid identification document;
 - m) Tax Identification Number;
 - n) Area of professional activity;
 - o) Date of beginning professional activity;
 - p) Entity where the professional practice is carried out;
 - q) Relevant professional experience;
 - r) Address of professional residence;
 - s) Educational establishment, year of entry and completion of training, type of training.
- 2) For the purposes of the provisions contained in paragraph *b)* of the previous number, the Installing Committee/Management Committee may suggest alterations to the professional name due to possible overlapping/confusion with an enrolment already made previously by another physiotherapist.

ANNEX II

DOCUMENTS TO BE SUBMITTED WITH THE ENROLMENT APPLICATION FORM

The documents to be submitted with the enrolment application form are:

- a) Copy of the applicant's Citizen Card or another valid identification document;
- b) Copy of the applicant's Taxpayer Card;
- c) Criminal record
- d) An original photograph (passport type)
- e) Certificate of qualifications in physiotherapy, indicating the date when the degree was obtained, the higher education institution and the country;
- f) Certificates of other academic or professional qualifications, stating the dates when they were obtained and the competent bodies;
- g) Certificates or other documents attesting the data referred to in paragraphs *m)* to *r)* of Annex I;
- h) Document proving the successful completion of a Portuguese language course in the case of citizens from non-Portuguese speaking countries, and when applicable;
- i) Declaration of the candidate authorising the Ordem to process their personal data.

ANNEX III

DOCUMENTS TO BE SUBMITTED WITH THE ENROLMENT APPLICATION FORM IN THE CASE OF ACADEMIC DEGREES OBTAINED ABROAD

In addition to the documents listed in Annex II, candidates who have obtained their academic degree abroad should submit the following documents:

- a) Document proving the recognition or equivalence of the foreign academic degree, under the terms of the legislation that apply to the recognition and equivalence of foreign academic degrees;
- b) Curriculum Vitae prepared in such a way as to prove the lawful and effective professional practice of the profession of physiotherapist.

ANNEX IV

DOCUMENTS TO BE SUBMITTED FOR THE ENROLMENT OF PHYSIOTHERAPISTS ORIGINATING FROM EUROPEAN UNION MEMBER STATES

- 1) Where the exercise of the profession of physiotherapist is regulated in the Member State of origin, the person interested in enrolment in the Ordem must submit, in addition to the documents referred to in Annex II and point *b*) of Annex III, a declaration of competence or evidence of training required by the Member State in question to practice physiotherapy, provided that:
 - a) it is issued by the competent authority in the Member State concerned;
 - b) it attests a level of professional qualification at least equivalent to the level immediately below that required in Portugal;
- 2) Where the exercise of the profession of physiotherapist is not regulated in the Member State of origin, the person interested in enrolment in the Ordem must submit, in addition to the documents referred to in Annex II and Annex III, one or more declarations of competence, or one or more certificates of training, which must:
 - a) be issued by an authority of a Member State competent for that purpose;
 - b) attest a level of professional qualification at least equivalent to the level immediately below that required in Portugal;
 - c) prove full-time exercise of the profession of physiotherapist for a minimum of two years during the previous ten years.
- 3) Additional information may also be requested to be presented in the Ordem's own forms to facilitate the process of comparative analysis of the academic and professional competencies required.

ANNEX V

DOCUMENTS TO BE SUBMITTED FOR THE ENROLMENT OF THE PHYSIOTHERAPISTS FROM THE OTHER STATES

- 1) Physiotherapists from states that are not Member States of the European Union, nor covered by Directive No. 2005/36/EC of the European Parliament and Council of 7 September and respective national legislation, who intend to exercise the profession in Portugal, must present, in addition to the documents listed in Annex II and paragraph *b*) of Annex III, the following documents
 - a) Proof of professional good standing, issued by the entity competent for the registration and disciplinary control of physiotherapists in the country of origin or provenance, which attests that the interested party can legally exercise the profession without restrictions, and that there are no pending disciplinary processes or disciplinary sanctions;
 - b) Certificate of reciprocity.
- 2) Unless otherwise decided by the Installing Committee/Management Committee, the interested party who has never been enrolled in the professional Ordem or association that regulates the exercise of

the profession of physiotherapists in the country of origin or provenance, shall, instead of the document referred to in paragraph a) of the previous number, attach a certificate confirming that fact.

- 3) To determine whether the profession's autonomous exercise is feasible, the interested party shall attach proof of professional experience acquired during three consecutive years out of the last five, which shall be submitted to the Technical Admission Committee for assessment and subsequent deliberation by the management committee.

ANNEX VI

PUBLIC VIEWING AND RESTRICTED VIEWING DATA

- 1) For the purposes of this regulation, the following data is public:
 - a) Full name;
 - b) Professional name;
 - c) Professional licence number;
 - d) Establishment where the professional activity is exercised or, if applicable, the main establishment where it is exercised;
 - e) Specialty/competency, if applicable;
 - f) Area of intervention;
 - g) Status of their enrolment in the Ordem.
- 2) For the purposes of the provisions of this regulation, the data considered relevant by the Installing Committee/Management Committee and deleted from the documents uploaded with the enrolment form shall be data for private viewing and access by full members of the Ordem.

ANNEX VII

DATA FOR THE ENROLMENT OF FIRMS

1. Constitution of a Firm of Physiotherapists
 - a) To this end, the interested parties shall send the draft articles of association, duly signed by the partners, to the Installing Committee/Management Committee, requesting its assessment and approval by that body, which shall check that it contains the mandatory mentions listed below and that it complies with the rules of professional conduct foreseen in the By-Laws.
 - b) The fee must be sent together with the draft memorandum of association.
 - c) The draft articles of association must also be accompanied by a certified copy of the Certificate of Admissibility of the Firm or Denomination issued by Portugal's "Registo Nacional de Pessoas Coletivas" (National Registry of Companies) - with the addition RI or RL, depending on whether it is an unlimited or limited liability company, and include the company's name.
 - d) The certificate shall contain the nature of the physiotherapists' firm, the express admissibility of the intended firm name and the firm's corporate purpose (exclusively the exercise of physiotherapy).
 - e) Should the firm opt for the limited liability regime, proof of the signing of a civil liability insurance contract shall also be submitted to the Installing Committee/Management Committee.

- f) After approval of the draft articles of association by the Installing Committee/Management Committee, the applicants shall be notified of the decision.
2. Within 30 days after the signing of the articles of association, a certified copy of the articles shall be submitted to the Installing Committee/Management Committee, which shall be kept on file to proceed to its registration.
3. Once registration has been made, the respective authenticated certificate shall be sent to the physiotherapists' firm.
4. Notwithstanding the provisions of the previous paragraphs, the other Annexes relative to the exercise of physiotherapy in an individual capacity shall apply to the partners.

ANNEX VIII

MODEL AND DETAILS ON THE PROFESSIONAL LICENCE

The provisional licence bears the following details

Logo of the Ordem dos Fisioterapeutas;

Name

Licence number;

Expiry date;

Professional name;

Professional signature;

Enrolment date;

Citizen's Card number

Tax Identification Number;

Photograph;

Signature of the Chair of the Installing Committee/Ordem's President;

Hologram;

Message: "In case of loss, please contact the issuing entity."

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