

The Analysis of Advantage and Disadvantage of TCM'S Legislation in Portugal

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Abstract: Traditional Chinese Medicine (TCM), as the most influential traditional medicine, is booming overseas, especially in Europe. In recent years, the legislation of TCM in Portugal has brought new opportunities and challenges for the development of TCM in Portugal. This paper aims to discuss the development status and future direction of TCM in Portugal by analyzing the advantages and disadvantages legislation of TCM in Portugal

Keywords: Traditional chinese medicine; Legislation; Portugal

1. Introduction

Traditional Chinese Medicine (TCM) is the representation of worldwide traditional medicine. TCM plays a very important role in the prevention of diseases and healthy lifestyles as well as improving health itself all over the world as a part of alternative medicine.

Portugal, located in southwestern Europe, on the Iberian Peninsula, framed by Spain on the east and the Atlantic Ocean on the west and south. Portugal has a land area of 92,212 square kilometers and a population of about 10.3 million. In Portugal, TCM is widely used in the treatment and prevention of diseases as a complementary medicine and alternative medicine. Although there are more than 500 TCM clinics established in Portugal [1], there are still existing some problems. This article aims to analyze the TCM's development in Portugal, divided in three parts: the spreading routine of TCM in Portugal, the advantage/the disadvantage analysis and the strategy of TCM'S legislation in Portugal.

2. The Spread Routine of TCM in Portugal

In the 12th century, Portuguese have the first contact with acupuncture in China. In the 13th century, Italian Marco Polo mentioned TCM health care therapies and some knowledge about Chinese herbs in his work [1]. In the 16th century, Portuguese missionaries wrote an article about acupuncture in Portuguese for the first time. Henceforth, TCM started to develop slowly and steadily in Portugal.

In 1712, a Dutch doctor E. Kaempfer published a book introducing needling therapy in detail[2]. In the 18th century, some nations in Europe published a translated edition of some TCM classics. In the early 19th century, the acupuncture tide spreaded to England, Germany, Italy and so on. In the early 20th century, George Soulie de Morant, the French Consul in Kunming, translated the Nan Jing and other classics and introduced them to Europe. In the middle of the 20th century, the French Da La Fuye established an acupuncture academy and school in France.

In the 1970s, the American president Richard Nixon visited China, being accompanied by the reporter Restone J, who gave an account of his TCM treatment and observation of the needling anesthesia, after Nixon's visit to China. That report reached all over the world, making TCM's popularity get global[3]. Therefore, there was another increase of popularity of TCM in Portugal. In the 1990s, several acupuncture clinics were established in Portugal.

In 2003, the Vice President of the World Federation of TCM Societies, Cai Debao, called the Portuguese political parties of the Portuguese Parliament to pass the legislation draft of complementary and alternative Medicine, which considered Acupuncture[4]. In 2007, Bao De University, the branch school University of TCM, was established in Lisbon. The school is the first overseas branch of the Chengdu University of TCM approved by the Ministry of Education of China.

Since 2003, the school has built a cooperative relationship with Chengdu University of TCM, which is also the oldest overseas school program of Sichuan Province to date. In 2008, the school began to enroll students in a bachelor's degree in Chinese medicine (five-year system), and at the same time carried out various non-degree education programs.

In July 2013, the Portuguese Parliament officially passed the Supplementary and Alternative Medicine Act, establishing the legal status of six therapies such as TCM and Acupuncture in Portugal. On February 9, 2018, Portugal officially promulgated the relevant implementation rules, making TCM the seventh unconventional therapy in Portugal, marking the basic completion of TCM legislation in Portugal.

3. The Advantage and Disadvantage of TCM's Legislation in Portugal

In recent years, TCM has flourished in countries around the world. Overall, the United States, Southeast Asia, Oceania, and Europe are developing rapidly, and South Asia, the Middle East, South America, and Africa are developing slowly[5].

So far, the following countries have enacted legislation on TCM or Acupuncture: in Europe, Hungary and Portugal; in America, Canada, United States of America and Chile; in Oceania, Australia; in Africa, South Africa; and in Asia, Vietnam, Malaysia, Singapore, Thailand and the Philippines.

Although the legislative situation of different countries is different, the overall trend is to develop in the direction of "will be legislated", which is also conducive to promoting the spread and development of TCM in the world.

3.1. The advantage of TCM'S legislation in Portugal

On February 9, 2018, the adoption of the seventh unconventional therapy in Portugal marked the initial completion of TCM legislation in Portugal, which is self-evident for the spread and development of TCM in Portugal and the European Union.

In the absence of formal legislation, the use and spread of TCM, which was in a grey area, was acquiesced by the state, and accepted by the people. In Portugal, for example, before the legislation, TCM clinics have been throughout the country and became an important supplement to its public medical system. However, most clinics were not formal, and few of the people who worked in TCM clinics were experienced formal TCM practitioners, most of them being partially experienced.

The field was lacking experts with rich clinical experience and formal TCM education, and standard industry normative management. Many health-care massages were mixed among the Chinese therapeutic massage that should be differentiated. There were few TCM experts who could solve sudden or acute diseases. If there was a

problem in the course of a diagnosis and treatment, there was no corresponding legal protection. Who would be responsible for a possible medical error? Is TCM itself not so good, or are the practitioners are not educated well? Before the corresponding laws were promulgated and the corresponding standards were formulated, the reputation of TCM abroad was difficult to be guaranteed, and the rights and interests of TCM practitioners were hard to be ensured. With the corresponding TCM law, the establishment of the professional standards can maximize the protection of the rights and interests of TCM and TCM practitioners, which is obviously beneficial to the development of TCM in Portugal. After the legislation, there are strict requirements for TCM education and TCM practitioners, and more qualified TCM practitioners will enter Portugal. At the same time, Portuguese practitioners in TCM will have the right to work in other EU member states.

3.2. The disadvantage of TCM'S legislation in Portugal

The benefits of TCM in Portuguese legislation are numerous, but it also has disadvantages that bring many problems, for example the big impact on the enrolment of non-public TCM:

First, the legislation limits the duration of study for undergraduate education of TCM to four-year academic education. According to the regulations of the Ministry of Education of China, TCM or Acupuncture and Moxibustion majors are all under five years. Therefore, China's original five-year teaching must be adjusted, in line with the provisions of the Chinese Ministry of Education, but also has to be in line with Portugal's national legislation. And the five-year education time is very uncompetitive, but it is worth discussing whether the relevant teaching content can be completed in this time period.

Second, after the Portuguese TCM legislation, the entry conditions for undergraduate education were restricted, and the TCM undergraduate must have a high school science background. In China, TCM majors or Acupuncture and Moxibustion majors are both arts and sciences. In fact, because TCM has been used as an alternative medical treatment in the West, most high school graduates with a background in science are reluctant to study TCM. Most of them are high school graduates from other areas than sciences who choose TCM as a target for their studies. Therefore, this has a serious impact on the source of TCM learners.

Third, there are stricter restrictions to the number of students enrolled after the legislation. At present, due to the law, no more TCM students are enrolled in various teaching institutions. Due to the long undergraduate study time of related TCM majors, the difficulty of learning, and the high clinical ability requirements, the number of students who insist on completing four or five years of study time

is very limited. After the legislation, the initial enrolment limit is large, which is not conducive to the long-term implementation of undergraduate education programs.

In addition, after the legislation, the status of TCM has been clearly recognized, but the competition between TCM and modern medicine is more obvious. The local western medical unions feel threatened by TCM's legislation, which makes them begin to suppress the practice of Portuguese-Chinese doctors. Qualified public universities can carry out undergraduate education in TCM, but they lack the resources, teachers and abilities to engage in TCM education. However, private universities with proficient TCM background, teachers and ability to carry out TCM education have been severely suppressed.

And the language requirements in the legislation will impose restrictions on the TCM practitioners. If they fail to meet the demand, they can no longer treat the patients legally, which is fatal to many old experts.

4. Summary

TCM is a characteristic medicine in China, as well as an important part of Chinese culture. As a conventional medicine, the legislation of TCM in Portugal made a solid foundation for its stable and lasting development in the EU. However, the legislation brought benefits as well as problems, such as enrolment of students and study time. These problems can be gradually solved by improvement of teaching quality and elite education. At the same time, it is necessary for China's TCM education institutions to communicate closely with the Portuguese government and relevant education departments to match the local education of TCM overseas with Chinese higher education, since the government regulations will influence the development of TCM locally.

In addition, for the medical insurance problem of TCM, if the treatment cost of TCM cannot be reimbursed medically, or the patient must be treated in the corresponding medical institution approved by the government health department required by the insurance company[7], this will limit the sustainable development of TCM in Portugal.

The development of TCM in Portugal is difficult but promising. Besides of the Portugal Bao De branch University, there are also educational institutions such as the Lisbon High School of TCM and the National University of Porto in Portugal. At the same time, various acupunc-

ture associations, such as the Associação Portuguesa de Acupunctura e Disciplinas Associadas (APA-DA), Associação Portuguesa dos Profissionais de Acupunctura (APPA), Associação Portuguesa de Acupunctura Eléctrica (APAE), Sociedade Portuguesa Médica de Acupunctura (SPMA) and the Associação Profissional de Acupunctura e Medicina Tradicional Chinesa (APAMTC). They sprung up rapidly, contributing to the development of TCM in Portugal.

As a safe and reliable conventional medicine, TCM will gradually base itself upon Portugal and the European Union with its own unique advantages. For the continuity of the spreading of TCM it is of essence that the actual disadvantages of the Portuguese legislation are corrected, so that students keep being enrolled on the courses.

And, traditional medicine is fused into Integrated Medicine as a reformation, which symbolize a new stage of development from specialization to integration in the medical course. With better policy and improvement of TCM therapy, TCM will have a bright future in Europe.

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