

Oregon State Board of Medical Examiners

ACUPUNCTURE ADVISORY COMMITTEE MINUTES

March 23, 2007 12:00PM
1500 SW 1st Ave, Suite 620
Portland, Oregon 97201
Board Accepted 4/13/07

MEMBERS PRESENT VOTED UNANIMOUSLY TO PASS THE FOLLOWING MOTIONS AND RECOMMENDATIONS UNLESS OTHERWISE NOTED.

MEMBERS PRESENT:

Malvin Finkelstein, LAc – Chair
Ellen Goldsmith, LAc, LMT
Gene Hong, MD
Diane Miller, MD
Debra Mulrooney, LAc
David Watt, MD – Board Liaison

STAFF PRESENT:

Kathleen Haley, JD, Executive Director
Diana Dolstra, Licensing Manager
Jennifer Lannigan, Licensing Coordinator
Michele Provinsal, Acupuncture Licensing Specialist
Gary Stafford, Chief Investigator

GUESTS PRESENT:

Cindy Barkhuizen, LAc, Oregon Acupuncture Association (OAA)
Martin Brother, LAc, Oregon Acupuncture Association (OAA)
Gene Bruno, LAc, Acupuncture and Oriental Medicine Society of Oregon (AOMSO) Newsletter,
American Association of Acupuncture and Oriental Medicine (AAAOM)
Jane Burch-Pesses, LAc
Gonzo Flores, LAc, Oregon Acupuncture Association (OAA)
Carol Griesmeyer, LAc, RN
Robert Gross, MD, Oregon Academy of Medical Acupuncturists (OAMA)
Mike McClain, Oregon Acupuncture Association (OAA)
Betsy P. Smith, NCCAOM
Barbara Solomon, RN, LAc
David Tara, LAc, Oregon Acupuncture Association (OAA)
Carol Taub, LAc, Oregon College of Oriental Medicine (OCOM)
Gary Wagman, LAc
Marilyn Walkey, MD

AGENDA:

EXECUTIVE SESSION:

Update on acupuncturists currently under Board investigation – Gary Stafford, Chief Investigator
Committee member report on investigations consultation
Review application for licensure, Client #34519
Review application for reactivation, Client #01211
Review application for licensure, Client #34437
Review application for licensure, Client #34739

PUBLIC SESSION:

- Welcome to new Committee member Diane Miller, MD
- Physician Acupuncturist training
- Approve Acupuncture Committee minutes of the September 22, 2006 meeting
- Approval of Limited Licenses, Visiting Professor
- Approval of Acupuncturists as Clinical Supervisors
- Approval of Visiting Acupuncturists
- Approval of Licenses issued in the interim under express licensing
- Malvin Finkelstein first term ending 6/30/07 – Reappointment process
- Discussion Item: Does Ear Stapling fall within the scope of Acupuncture
- Review of OAA Code of Ethics as professional standards in the community
- Discussion Item: OAA doctor title bill
- First Review of Administrative Rules: OAR 847-070-0018, -0022, -0036, -0037, and -0050
- Final Review of Administrative Rules: OAR 847-070-0016, and -0038
- Oregon Pain Commission, Joint Statement on Pain Management
- Informational Item: NCCAOM testing changes
- Approve future meeting dates
- Public comment session

Malvin Finklestein, LAc, Chair, called the meeting to order at 12:00PM.

EXECUTIVE SESSION:

UPDATE ON ACUPUNCTURISTS CURRENTLY UNDER BOARD INVESTIGATION – GARY STAFFORD, CHIEF INVESTIGATOR

COMMITTEE MEMBER REPORT ON INVESTIGATIONS CONSULTATION

REVIEW APPLICATION FOR LICENSURE, CLIENT #34519

REVIEW APPLICATION FOR REACTIVATION, CLIENT #01211

REVIEW APPLICATION FOR LICENSURE, CLIENT #34437

REVIEW APPLICATION FOR LICENSURE, CLIENT #34739

PUBLIC SESSION:

WELCOME TO NEW COMMITTEE MEMBER DIANE MILLER, MD

Committee members welcomed Diane Miller, MD, to service on the Committee. During introductions, David Watt, MD, announced that this will be his last meeting as he has taken a position with the Federation of State Medical Boards.

ACTION PLAN: The Board to appoint a new liaison member to the Acupuncture Advisory Committee as Dr. Watt is leaving the Board.

NOTE: 4/13/07 – The Board determined that a new liaison member would be appointed after the new Board members begin their terms.

REVIEW APPLICATION FOR LICENSURE, CLIENT #34519

Client #34519 ceased the practice of acupuncture 3/1/05. Upon her return to Oregon, Client #34519 began a clinical internship under an Oregon licensed acupuncturist prior to Board approval of the licensed acupuncturist as a clinical supervisor.

It was moved and seconded that:

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE CLIENT #34519 AS A LICENSED ACUPUNCTURIST IN THE STATE OF OREGON AND SEND A LETTER OF CONCERN TO LICENSED ACUPUNCTURIST CLIENT #01133 REGARDING FOLLOWING BOARD PRESCRIBED PROCEDURES FOR APPROVAL OF CLINICAL SUPERVISION.

Ellen Goldsmith, LAc, recommended that an article summarizing the regulations for clinical supervision in acupuncture be published in the BME Newsletter.

REVIEW APPLICATION FOR REACTIVATION, SHELLEY WILSON LOWRIE

Shelley Wilson Lowrie, ceased the practice of acupuncture 9/1/04 and has not since returned to practice.

It was moved and seconded that:

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE THE REQUEST OF SHELLEY WILSON LOWRIE TO REACTIVATE ACUPUNCTURE LICENSE NUMBER AC00172 IN THE STATE OF OREGON.

The Committee determined that further discussion is needed to determine standards for re-entry to practice and mentorship guidelines for practitioners who have been out of practice prior to application for licensure or reactivation of licensure in Oregon. The Committee discussed establishing specific standards for different lengths of time the practitioner has been out of practice. The Committee agreed to put this item on the agenda of the next Committee meeting.

ACTION PLAN: Add the item of standards for re-entry to practice and mentorship guidelines for practitioners who have been out of practice to the agenda of the next Committee meeting.

REVIEW APPLICATION FOR LICENSURE, CLIENT #34437

Client #34437 began acupuncture practice in Oregon in late January 2007, prior to Board issuance of her acupuncture license. She answered "No" to the question, "Have you ever engaged in the unlicensed practice of any health care profession when you were required by law to have a license?"

It was moved and seconded that:

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE CLIENT #34437 AS A LICENSED ACUPUNCTURIST IN THE STATE OF OREGON AND SEND A LETTER OF CONCERN TO CLIENT #34437 REGARDING UNLICENSED PRACTICE.

REVIEW APPLICATION FOR LICENSURE, CLIENT #34739

Client #34739 was arrested in August 2003 and charged with two misdemeanors. He answered "No" to the question, "Have you ever been or are you currently the subject of any criminal or civil investigation?"

It was moved and seconded that:

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE CLIENT #34739 AS A LICENSED ACUPUNCTURIST IN THE STATE OF OREGON.

PHYSICIAN ACUPUNCTURIST TRAINING

Marilyn Walkey, MD, Betsy Smith, National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM), Gene Bruno, LAc, American Association of Acupuncture and Oriental Medicine (AAAOM), Acupuncture and Oriental Medicine Society of Oregon (AOMSO), and Barbara Solomon, RN, presented testimony in favor of changing Oregon Revised Statutes regarding training required for physicians performing acupuncture. The proposed change is to require any practitioner to meet the same qualifications for training and education in order to be approved to practice acupuncture in Oregon. As such, it is proposed that licensed physicians in Oregon would need to meet the eligibility requirements for licensure as an acupuncturist and obtain an acupuncture license prior to practicing acupuncture. Gene Bruno, LAc, noted that this proposal would allow those licensed physicians in Oregon who are already practicing acupuncture to continue to do so but would apply to physicians wishing to begin practicing acupuncture after any legislation takes effect.

Robert Gross, MD, Oregon Academy of Medical Acupuncture, American Board of Medical Acupuncture, presented testimony on the training provided to physicians who perform medical acupuncture.

The Committee requested that written materials submitted to the Committee on this issue be available to the Board at their meeting on April 12-13, 2007. All written materials submitted prior to the Committee meeting are on file at the Oregon Board of Medical Examiners and can be made available upon request.

NOTE: 4/13/07 – Douglas B. Kirkpatrick, MD, stated that he wished to go on the record as being opposed to requiring that physicians meet the same qualifications for training and education as acupuncturists in order to practice medical acupuncture.

APPROVE ACUPUNCTURE ADVISORY COMMITTEE MINUTES OF THE SEPTEMBER 22, 2006 MEETING

It was moved and seconded that:

THE ACUPUNCTURE ADVISORY COMMITTEE APPROVES THE MINUTES OF THE SEPTEMBER 22, 2006 COMMITTEE MEETING.

APPROVAL OF LIMITED LICENSE, VISITING PROFESSOR

Licensee Name	Dates
ZHANG, Jun, LL16641	11/1/06-11/1/07

It was moved and seconded that:

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE THE ABOVE LIMITED LICENSE, VISITING PROFESSOR.

APPROVAL OF ACUPUNCTURISTS AS CLINICAL SUPERVISORS

BERKSHIRE, David Alexander, AC00585	STEPHENS, Eric Francis, AC00046
KIM, John Yunkyu, AC00328	WILLIAMS, Thomas H, AC00094
MCCORMICK, Terence Francis, AC00810	

It was moved and seconded that:

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE THE ABOVE ACUPUNCTURISTS AS CLINICAL SUPERVISORS.

APPROVAL OF VISITING ACUPUNCTURISTS

Visiting Acupuncturist	Li Jin, LAc, Washington License #AC00000609
Program Description	Oregon College of Oriental Medicine Doctor of Acupuncture and Oriental Medicine Degree Program
Dates	November 17-20, 2006
Name of Responsible Oregon Acupuncturist	Robert Kaneko, LAc, AC00222

Visiting Acupuncturist	Misha Ruth Cohen, LAc, California License #AC1491
Program Description	Oregon College of Oriental Medicine Doctoral Degree Program
Dates	December 15-18, 2006
Name of Responsible Oregon Acupuncturist	Robert Kaneko, LAc, AC00222

Visiting Acupuncturist	Mingqing Zhu, LAc, California License #AC3993
Program Description	Oregon College of Oriental Medicine Doctoral Degree Program
Dates	January 4-7, 2007
Name of Responsible Oregon Acupuncturist	Zhaozue Lu, LAc, AC00794

Visiting Acupuncturist	Gary Dolowich, MD, LAc, California License #AC1070
Program Description	Oregon College of Oriental Medicine Doctoral Degree Program
Dates	January 19-22, 2007
Name of Responsible Oregon Acupuncturist	Zhaozue Lu, D.Med. & Ph.D. (P.R. China), LAc, AC00794

Visiting Acupuncturist	Dr. Kerong Xie, LAc, Washington License #00000792
Program Description	Oregon College of Oriental Medicine Doctoral Degree Program
Dates	March 23-26, 2007
Name of Responsible Oregon Acupuncturist	Zhaozue Lu, D.Med. & Ph.D. (P.R. China), LAc, AC00794

Visiting Acupuncturist	Dr. Dong Mei Li, LAc, California License AC5809
Program Description	Oregon College of Oriental Medicine Doctoral Degree Program
Dates	April 20-23, 2007
Name of Responsible Oregon Acupuncturist	Zhaozue Lu, D.Med. & Ph.D. (P.R. China), LAc, AC00794

It was moved and seconded that:

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE THE ABOVE VISITING ACUPUNCTURISTS.

APPROVAL OF LICENSES ISSUED IN THE INTERIM UNDER EXPRESS LICENSING

Joel Amezcua Ordaz Jennefer Ann Barlow-Radojevic Stacia Bert Bevan Jennifer Lee Briggs Trisha Jo Brunner Gina Ann Butler Lynda Jeanne Cannon Lara Dawn Carder Bernard Pun Lup Chan Jennifer Ann Conjerti Brett Csordas Sandra Michelle Curry Laura Ann Enfield Kenneth Matthew Faber Joseph Andrew Goldfedder Ina Gwen Goodman Matthew Alan Gulbransen Michelle Ann Hawkins Constance Colton Herrick Morgan Taylor Hogue Vanda Lee Huang Rebecca Mayre Hurwood Andrea Lynn Jackson Anne Catherine Jacobs Jennifer Elise Johnston Cheryl Ann Kalsch-Lowrance Mary Ellen Katz Erin Alyssa Kenning James Anthony Domonick Lugo Kimberly Kate McCarty Wade McKenzie McCulloch Tara Kay McHenry Andrea Werner Miliotis	Ryan David Minarik Amy Kristine Moll Sang Ly Montage Jana Cristine Moore Jeanette Kay Morris Valerie Netherland Deborah Lee Nixdorf Judith Geller Noon Kiyoka Ogura Molly Hayman O'Neill Mary Grace Domingo Pampo Ingrid Park Angela Helga Pfaffenberger Judith Ann Ponton Paul Dennis Ponton Sarah Alice Reese Susan Dane Saccomanno Laurel Jane Sander Angela Janel Selseth Rebecca Joy Steagall Kseniya Alexandrovna Stevens Janie Lynne Stone Michelle Marie Sturm Malia Tarie Susee Uma Dawn Osha Tupper John Stephen Vella Ross Edward Weakley Mary Elizabeth Weigel Sara Jean White Robert John Williams Amy Colleen Wolf William David Yager Dana Robin Zampella
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It was moved and seconded that:

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE THE ABOVE LICENSES ISSUED IN THE INTERIM BY THE EXECUTIVE DIRECTOR UNDER THE EXPRESS LICENSING PROCEDURE.

NOTE: 4/13/07- The Board determined there is no longer any need to list the licenses issued in the interim by the Executive Director under the Express Licensing Procedure in the minutes.

MALVIN FINKELSTEIN, LAC, FIRST TERM ENDING 6/30/07

The Oregon Acupuncture Association and the Acupuncture and Oriental Medicine Society of Oregon recommend that Malvin Finkelstein, LAc be reappointed to a second term on the Acupuncture Advisory Committee.

Ellen Goldsmith, LAc moved and Gene Hong, MD seconded that:

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPOINT MALVIN FINKLESTEIN TO A SECOND TERM ON THE ACUPUNCTURE ADVISORY COMMITTEE.

DISCUSSION ITEM: DOES EAR STAPLING FALL WITHIN THE SCOPE OF ACUPUNCTURE

An individual who wishes to practice ear stapling in Oregon has asked the Board of Medical Examiners for a comment as to whether the practice of ear stapling falls under the scope of acupuncture. Ear stapling places needles into acupuncture points in the ear, the staples are then clamped and left in the ear for an extended period of time.

David Tara, LAc, Oregon Acupuncture Association, reported that the individual had started practicing but that he asked her to cease, which she verbally agreed to do while awaiting the Board's decision.

The members of the Acupuncture Advisory Committee determined that ear stapling does indeed fall under the scope of acupuncture.

Gene Bruno, LAc reported that laser treatment weekend seminars are now being offered to lay people to train them to treat acupuncture points with lasers.

REVIEW OF OAA CODE OF ETHICS AS PROFESSIONAL STANDARDS

EXHIBIT B

Section 1.3 (c)

David Watt, MD inquired as to whether it should be noted that it may sometimes be appropriate to offer the services of a chaperone in an acupuncture practice.

Carol Griesmeyer, LAc, RN, responded that language regarding chaperones was considered but was not included. The issue of offering a chaperone is currently left to the professional judgment of the individual practitioner in each situation.

Ellen Goldsmith, LAc, suggested that rather than mandating that practitioners have a chaperone in a given situation, the Code of Ethics should acknowledge that there may sometimes be a need for one.

David Tara, President OAA, clarified that these suggestions are for educational purposes rather than investigational purposes.

Section 1.5 (a)

David Watt, MD, suggested that language be inserted stating that if a practitioner does treat someone with whom they have a close relationship, appropriate professional records should be kept as outlined in section 1.9 (a).

Section 1.5 (c)

David Watt, MD, clarified that romantic or sexual relationships should not be entered into with a patient or the patient's significant other, and suggested adding language to include immediate family members of a patient.

DISCUSSION ITEM: OAA DOCTOR TITLE BILL

EXHIBIT C

David Tara, President, Oregon Acupuncture Association (OAA), discussed the legislation introduced by the OAA to allow the graduates of the Doctor of Acupuncture and Oriental Medicine (DAOM) programs to use the title "Doctor". Mr. Tara indicated that the OAA would consider amendments suggested by the Board in their discussion with OAA members scheduled for April 14, 2007. The OAA will keep the Board up to date with any amendments to the legislation.

The OAA is looking for advice from the Board regarding the inequity of allowing the graduates of the DAOM programs to use the title Doctor, but not allowing foreign graduates who have been trained at a very high level to use the title. Many of these graduates are teaching in the DAOM programs.

Dr. Watt commented on organizations representing other disciplines in other states identifying specific training programs that have been shown to meet the same criteria as a doctoral programs in the United States. For medical degrees, the Educational Commission for Foreign Medical Graduates (ECFMG) has created a list of schools which have been inspected by the ECFMG. These schools have demonstrated that their programs meet particular educational criteria.

Malvin Finklestein, Chair, stated that NCCAOM has created a list of acupuncture programs located outside the United States which have been deemed substantially equivalent to programs accredited by the Accreditation Commission for Acupuncture and Oriental Medicine. These programs have been evaluated by the American Association of Collegiate Registrars and Admissions Officers (AACRAO). AACRAO could be used for evaluation of doctoral programs as well.

FIRST REVIEW OF ADMINISTRATIVE RULES

EXHIBIT D

847-070-0018	Use of Name
847-070-0022	Documents to be Submitted for Licensure
847-070-0036	Limited License, Special
847-070-0037	Limited License, Post Graduate
847-070-0050	Acupuncture Advisory Committee

Regarding OAR 847-070-0037, the Committee noted that there would be a negative fiscal impact for licensees working under a Limited License, Postgraduate if the licensee fails the national certification exam and subsequently has his or her license canceled, as the licensee would immediately be required to cease practice, losing income.

FINAL REVIEW OF ADMINISTRATIVE RULES

EXHIBIT E

847-070-0016	Qualifications
847-070-0038	Limited License, Visiting Professor

It was moved and seconded that:

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS ADOPT CHANGES TO OAR 847-070-0016, REMOVING THE REQUIREMENT TO PASS THE POINT LOCATION MODULE OF THE NATIONAL CERTIFICATION EXAMINATION, AND CHANGES TO OAR 847-070-0038, REMOVING THE REQUIREMENT THAT AN APPLICANT FOR A LIMITED LICENSE, VISITING PROFESSOR MUST ESTABLISH SKILLS AND TRAINING EQUIVALENT TO NATIONAL CERTIFICATION IN ACUPUNCTURE.

OREGON PAIN COMMISSION, JOINT STATEMENT ON PAIN MANAGEMENT

The Committee approved the Committee Chair signing the declaration of support for the Oregon Pain Commission's Joint Statement for Improved Pain Management in Oregon.

INFORMATIONAL ITEM: NCCAOM TESTING CHANGES

Mr. Finkelstein indicated that the notification regarding changes in testing from the NCCAOM was informational only in nature and that no action was needed by the Committee.

PUBLIC COMMENT SESSION

Gene Bruno, LAc invited the Acupuncture Advisory Committee to attend the international conference of the American Association of Acupuncture and Oriental Medicine. This four-day conference will be held the last week of October, 2007, in Portland.

Malvin Finkelstein, chair, commented that the two former national professional associations have just merged and this is the first meeting of the unified group. This will also be a 25th anniversary celebration of the founding of the major national acupuncture organizations: NCCAOM, ACCOM, and AAAOM.

FUTURE MEETING DATES

September 21, 2007

ADJOURNMENT

The meeting was adjourned at 2:35pm.