

OREGON MEDICAL BOARD

ACUPUNCTURE ADVISORY COMMITTEE

Meeting – June 12, 2009

1500 SW First Avenue, Suite 620
Portland, OR 97201

The Acupuncture Advisory Committee of the Oregon Medical Board (OMB or “Board”) held a regular bi-annual meeting Friday, June 12, 2009.

MEMBERS PRESENT

Malvin Finkelstein, LAc, Chair
Ellen Goldsmith, LAc, LMT
Gene G. Hong, MD
Diane Miller, MD
Debra L. Mulrooney, LAc

STAFF PRESENT

Kathleen Haley, JD, Executive Director
Gary Stafford, Chief Investigator
Michele Provinsal, Acupuncture Licensing Specialist

GUESTS PRESENT

Ellen Shefi, LAc, LMT
Siamak Shirazi, LAc, PhD, DOM
Edward Neal, MD, LAc
P.K. Melethil, LAc
Christof Gorawski, LAc

Agenda

EXECUTIVE SESSION:

Update on Acupuncturists Currently Under Board Investigation
– Gary Stafford, Chief Investigator

Committee Member Attendance at August 6, 2009 Investigations Committee Meeting

Review Licensure Application of Client # 36892

Review Licensure Application of Client # 37288

Review Licensure Application of Client # 32351

PUBLIC SESSION:

Recognition of Ellen Goldsmith's Service to Committee

Approve Acupuncture Advisory Committee Minutes of the December 5, 2008 Meeting

Approval of Acupuncturists as Clinical Supervisors

Approval of Visiting Acupuncturists

Approval of Limited License

Review of Licenses Granted Under Corrective Action Order with 20 Hour Mentorship

Final Review of Administrative Rules
847-070-0016 Qualifications

Information Item – CME Rule Revision

Interview of Applicants for Committee Vacancy

OAAOM Code of Ethics

Practice of Moxibustion by Unlicensed/Untrained Individuals

Personal History Question, Category II, Question 2

Legislative Update, Kathleen Haley, JD

Approval of Future Meeting Dates

Public Comment Session

Malvin Finkelstein, LAc, Chair, called the meeting to order at 12:15 p.m.

Members present voted unanimously to pass the following motions and recommendations unless otherwise noted.

EXECUTIVE SESSION:

**Update on Acupuncturists Currently Under Board Investigation
– Gary Stafford, Chief Investigator**

Committee Member Attendance at August 6, 2009 Investigations Committee Meeting

Review Licensure Application of Client # 36892

Review Licensure Application of Client # 37288

Review Licensure Application of Client # 32351

PUBLIC SESSION:

Review Licensure Application of Client # 36892

Applicant did not graduate from an accredited program. This Applicant was reviewed by the Committee in December and the Committee asked that additional information be submitted. Malvin Finkelstein, LAc, Chair, will review additional information.

It was moved and seconded that:

The Acupuncture Advisory Committee recommends the Oregon Medical Board approve the license application of Client # 36892 upon a favorable report from Malvin Finkelstein, LAc.

Review Licensure Application of Client # 37288

Applicant has been out of acupuncture practice since January 2004.

It was moved and seconded that:

The Acupuncture Advisory Committee recommends the Oregon Medical Board approve the license application of Client # 37288 under a Corrective Action Agreement requiring applicant to complete a 20 hour mentorship.

Review Licensure Application of Client # 32351

Applicant did not graduate from an accredited program.

It was moved and seconded that:

The Acupuncture Advisory Committee recommends the Oregon Medical Board approve the license application of Client # 32351 once all requirements for licensure have been satisfactorily met.

Recognition of Ellen Goldsmith's Service to Committee

Malvin Finkelstein, LAc, and Kathleen Haley, JD, thanked Ellen Goldsmith, LAc, for her eight years of service to the Oregon Medical Board and the people of Oregon. Mr. Finkelstein presented Ms. Goldsmith with a plaque in honor of her service.

Approve Acupuncture Advisory Committee Minutes of the December 5, 2008 Meeting

It was moved and seconded that:

The Acupuncture Advisory Committee approve the minutes of the December 5, 2008 Committee meeting as submitted.

Approval of Acupuncturists as Clinical Supervisors

Yungpeng Luo, AC00656

Karl Brandt Stickley, III, AC01257

Kenneth Patrick Glowacki, AC01196

Lisa Karen Tongel, AC00426

It was moved and seconded that:

The Acupuncture Advisory Committee recommends the Oregon Medical Board approve the above acupuncturists as Clinical Supervisors.

Approval of Visiting Acupuncturists

Visiting Acupuncturist	Wei Liu, LAc, Minnesota
Program Description	Oregon College of Oriental Medicine
Dates	June 6-7, 2009
Name of Responsible Oregon Acupuncturist	Jasmine Patel, LAc, AC00695

Visiting Acupuncturist	Rosey Xin Dong Ma, LAc, Washington
Program Description	Oregon College of Oriental Medicine Doctoral Degree Program
Dates	March 1, 2009
Name of Responsible Oregon Acupuncturist	Tsueyhwa Lai, LAc, AC00773

Visiting Acupuncturist	Li Jin, LAc, Washington
Program Description	Oregon College of Oriental Medicine Doctoral Degree Program
Dates	May 1-4, 2009
Name of Responsible Oregon Acupuncturist	Tsuey-hwa Lai, LAc, AC00773

Visiting Acupuncturist	Misha Cohen, LAc, California
Program Description	Oregon College of Oriental Medicine Doctoral Degree Program
Dates	August 7-10, 2009
Name of Responsible Oregon Acupuncturist	Zhaoxue Lu, D.Med. & Ph.D. (P.R. China), LAc, AC00794

It was moved and seconded that:

The Acupuncture Advisory Committee recommends the Oregon Medical Board approve the above acupuncturists as Visiting Acupuncturists.

Approval of Limited License, Post Graduate

Karl Brandt Stickley, III, LL18216

It was moved and seconded that:

The Acupuncture Advisory Committee recommends the Oregon Medical Board approve the above Limited License, Post Graduate.

Review of Licenses Granted Under Corrective Action Order with 20 Hour Mentorship

Committee members reviewed licenses issued under Corrective Action Orders.

Final Review of Administrative Rules 847-070-0016 Qualifications

Exhibit A

It was moved and seconded that:

The Acupuncture Advisory Committee refer the proposed change to Oregon Administrative Rule 847-070-0016(3)(c), clarifying that acupuncturists who graduate from non-accredited programs prior to 1989 have no western medicine requirement for licensure in Oregon, to the Board for final review.

Information Item – CME Rule Revision

Committee members reviewed the proposed changes to Oregon Administrative Rule 847-008-0070. Committee members stated that 30 hours of continuing education should be required of all acupuncturists regardless of whether they are certified by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM). Malvin Finkelstein, LAc, stated that there would be a negative fiscal impact on acupuncturists who are not certified by NCCAOM if they are required to obtain 60 hours of continuing education rather than 30. Diane Miller, MD, stated that the use of the word “or” implies an equivalent substitution, but that the requirement in 847-008-0070(1)(b) is a penalized option while the requirement 847-008-0070(1)(a) is a more favored option.

It was moved and seconded that:

The Acupuncture Advisory Committee recommend that the Oregon Medical Board add language to Oregon Administrative Rule 847-008-0070 requiring acupuncturists to complete 30 hours of continuing education every two years, and include National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) courses to the list of allowable continuing education coursework.

ACTION PLAN: Publish a new article in the next newsletter to notify licensees that certification by NCCAOM will satisfy the CME requirement.

Interview of Applicants for Committee Vacancy

The Committee interviewed Ellen Shefi, LAc, Siamak Shirazi, LAc, and Edward Neal, MD, LAc.

It was moved and seconded that:

The Acupuncture Advisory Committee recommend that the Oregon Medical Board appoint Ellen Shefi, LAc, as the new acupuncturist member of the Acupuncture Advisory Committee.

OAAOM Code of Ethics

Ellen Goldsmith, LAc, stated that she has seen a steady increase in the number of ethical violations by Oregon licensees. Ms. Goldsmith suggested the Oregon Association of Acupuncture and Oriental Medicine (OAAOM) spend a day in the ethics classes of the local acupuncture programs to present the Code of Ethics and to help educate new graduates on the standards that will be expected of them in their profession. Ms. Goldsmith further suggested that the Code of Ethics be workshopped at the OAAOM annual conference.

Ellen Shefi, LAc suggested that students be introduced to the Code of Ethics at the beginning of their clinical experience and again at the end of education.

Christo Gorawski, LAc, added that acupuncture programs should help students learn to separate their personal lives from their professional lives.

ACTION PLAN: Staff to locate or compile statistics regarding the demographics of ethical violations and the number of investigations which end in discipline in the acupuncture profession.

Practice of Moxibustion by Unlicensed/Untrained Individuals

Committee members discussed the ramifications of defining moxibustion as a practice to be performed only by licensed acupuncturists. Ellen Shefi, LAc, read the Oregon Revised Statute which defines acupuncture as the insertion of needles, but includes other modalities. Ellen Goldsmith, LAc, noted that patients also self-administer moxibustion.

Personal History Question, Category II, Question 2

Committee members reviewed the proposed new language for Personal History Question Category II, Question 2, on the application for licensure.

Legislative Update, Kathleen Haley, JD

Kathleen Haley, JD, summarized legislation which is currently under consideration. A discussion was held regarding the Governor's proposal to consolidate some health licensing boards.

Approval of Future Meeting Date

December 4, 2009

Public Comment Session

Public comments were not held until the end of the meeting, but given during the meeting.

The meeting was adjourned at 3:25 p.m.

OREGON ADMINISTRATIVE RULES
CHAPTER 847, DIVISION 070 – OREGON MEDICAL BOARD
PROPOSED RULES CHANGES – JULY 2009
FINAL REVIEW BY THE BOARD

847-070-0016

Qualifications

An applicant for licensure as an acupuncturist in the State of Oregon must have the following qualifications:

(1) Have graduated from an acupuncture program that satisfies the standards of the Accreditation Commission for Acupuncture and Oriental Medicine (A.C.A.O.M.), or its successor organization, or an equivalent accreditation body that are in effect at the time of the applicant's graduation. An acupuncture program may be established as having satisfied those standards by demonstration of one of the following:

(a) Accreditation, or candidacy for accreditation by ACAOM at the time of graduation from the acupuncture program; or

(b) Approval by a foreign government's Ministry of Education, or Ministry of Health, or equivalent foreign government agency at the time of graduation from the acupuncture program. Each applicant must submit their documents to a foreign credential equivalency service, which is approved by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) for the purpose of establishing equivalency to the ACAOM accreditation standard. Acupuncture programs that wish to be considered equivalent to an ACAOM accredited program must also meet the curricular requirements of ACAOM in effect at the time of graduation.

(2) Current certification in acupuncture by the National Certification Commission for Acupuncture and Oriental Medicine (N.C.C.A.O.M.). An applicant shall be deemed certified by the N.C.C.A.O.M. in Acupuncture if the applicant has passed the N.C.C.A.O.M. Acupuncture Certification Examinations, or has been certified through the N.C.C.A.O.M. Credentials Documentation Examination. The applicant has no more than four attempts to pass the NCCAOM Acupuncture Certification Examinations. If the applicant does not pass the NCCAOM Certification Examinations within four attempts, the applicant is not eligible for licensure.

(3) An applicant who does not meet the criteria in OAR 847-070-0016(1) and (2) must have the following qualifications:

(a) Five years of licensed clinical acupuncture practice in the United States. This practice must include a minimum of 500 acupuncture patient visits per year. Documentation shall include:

(A) Two affidavits from office partners, clinic supervisors, accountants, or others approved by the Board, who have personal knowledge of the years of practice and number of patient visits per year; and

(B) Notarized copies of samples of appointment books, patient charts and financial records, or other documentation as required by the Board; and

(b) An applicant must have practiced as a licensed acupuncturist in the U.S. during five of the last seven years prior to application for Oregon licensure. Licensed practice includes clinical practice, clinical supervision, teaching, research, and other work as approved by the Board within the field of acupuncture and oriental medicine. Documentation of this practice will be required and is subject to Board approval; and

(c) Successful completion of the A.C.A.O.M. western medicine requirements in effect at the time of graduation from the acupuncture program, **unless the applicant graduated from a non-accredited acupuncture program prior to 1989**; and

(d) Current certification in acupuncture by the N.C.C.A.O.M. An applicant shall be deemed certified in Acupuncture by the N.C.C.A.O.M. if the applicant has passed the N.C.C.A.O.M. Acupuncture Certification Examinations, or has been certified through the N.C.C.A.O.M. Credentials Documentation Examination. The applicant has no more than four attempts to pass the NCCAOM Acupuncture Certification Examinations. If the applicant does not pass the NCCAOM Certification Examinations within four attempts, the applicant is not eligible for licensure.

(4) An individual whose acupuncture training and diploma were obtained in a foreign country and who cannot document the requirements of subsections (1) through (3) of this rule because the required documentation is now unobtainable, may be considered eligible for licensure if it is established to the satisfaction of the Board that the applicant has equivalent skills and training and can document one year of training or supervised practice under a licensed acupuncturist in the United States; and

(5) In addition to meeting the requirements in (1) and (2), or (3), or (4) of this rule, all applicants for licensure must have the following qualifications:

(a) Licensure in good standing from the state or states of all prior and current health related licensure; and

(b) Have good moral character as those traits would relate to the applicant's ability of properly engaging in the practice of acupuncture; and

(c) Have the ability to communicate in the English language well enough to be understood by patients and physicians. This requirement is met if the applicant passes the N.C.C.A.O.M. written acupuncture examination in English, or if in a foreign language, must also have passed an English language proficiency examination, such as TOEFL (Test of English as a Foreign Language), or TSE (Test of Spoken English). An applicant must obtain a TOEFL score of 500 or more for the written TOEFL exam and 173 or more for the computer based TOEFL exam, or a TSE score of 200 or more prior to July 1995, and a score of 50 or more after July 1995. An applicant who is certified through

the N.C.C.A.O.M. Credentials Documentation Examination must also have passed an English proficiency examination.

APR 27 2009

April 24, 2009

Oregon Medical Board
1500 S.W. First Ave., Suite 620
Portland, OR 97201

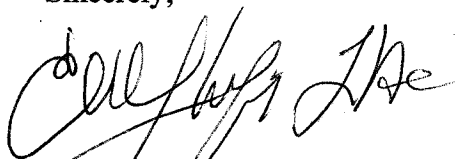
Dear Michele Provinsal;

I am applying for the open position on the Acupuncture Advisory Board. I believe that I will be an asset for this position since I have been an acupuncturist in both public and private practices for twenty years and been in the health care field for 33 years. During this time frame, I have also held several teaching positions and did research in acupuncture. I conduct myself professionally with integrity and good ethics, and hope that this committee will consider me to be a good candidate.

My Curriculum Vitae is enclosed.

Thank you for this opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellen Sheft". The signature is fluid and cursive, written over the printed name.

Ellen Sheft, L.Ac. LMT
Lotus Acupuncture
13720 Clackamas River Rd.
Oregon City, OR 97045
503.656.1956

Curriculum Vitae

Ellen Shefi, L.Ac. , LMT
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www.lotusacupunctureor.com

Education and Licenses

1. University of Michigan, B.Sc. 1976, Human Nutrition: Scientific Nutrition and Clinical & Therapeutic Nutrition.
2. Dietetic Internship: Tel HaShomer Medical Center, Tel Aviv, Israel; 1976-77.
3. Registered Dietitian: Ministry of Health, Jerusalem, Israel; 1977.
4. Naturopathic Medicine Apprenticeship: Dr. Ze'ev Pechtholt, Tel Aviv, Israel; 1982-83.
5. National College of Naturopathic Medicine, Portland OR; 1985-88.
6. Oregon College of Oriental Medicine, Portland, OR; Diploma: June 1989.
7. East-West School of Massage, Portland, OR; 1987.
8. Certification of Iridology: Dr. Bernard Jensen, Escondido, CA; 9/2/87.
9. Certification of Advanced Iridology and Clinical Nutrition:
Dr. Bernard Jensen, Escondido, CA; 9/7/87.
10. Licensed Massage Technician, State of Oregon; 11/12/87.
11. Diplomate in Acupuncture of the NCCA, Certificate #4159; 6/2/89.
12. Licensed Acupuncturist, State of Oregon, Certificate #118; 7/15/89.
13. Certification in Nambudripad's Allergy Elimination Technique, (NAET) 1996.
14. Certification in Reconnective Healing and the Reconnection, Boise ID;
July 2001.

Ellen Shefi, L.Ac., LMT

Employment

1. Lotus Acupuncture, owner/private acupuncture practice, Oregon City, OR; 4/97-present.
2. Sylvan Acupuncture Center, owner/private acupuncture practice, Portland OR; 11/91- 3/97.
3. InAct: court ordered diversion program for Alcohol and Drug Treatment, Acupuncture Director, Portland, OR; 10/92-3/94.
4. Portland Addictions Acupuncture Center, Acupuncturist and private practice, Portland, OR; 7/90-9/92.
5. Hooper Detoxification Center, Acupuncturist, Portland, OR; 8/89-12/90.
6. Multnomah Acupuncture Clinic, private acupuncture practice, Portland, OR; 8/89-8/90.
7. Parent Child Services, Head Start Program: Consulting Nutritionist, Portland, OR; 9/87- 6/93.
8. Family Natural Health Center, Licensed Massage Therapist, Portland, OR; 12/87-5/89.
9. Eclectic Institute, Herbalist for Natural Herbal Tincture Business, Portland, OR; 10/86-11/87.
10. The Ministry of Health, Dept. of Health Education, Jerusalem, Israel; planning and implementing a nutrition education program for preschool and elementary education; 1984.
11. Piano Teacher, private; 1980-85.
12. Consultant Nutritionist, private practice: Clinics: Moshav Moledet, Kibbutz Merhavia, Kibbutz Ein Harod Ihud and Me'Uhad, Kibbutz Ein Dor, Kibbutz Neve Aitan, Kibbutz Beit HaShita, Kibbutz Dovrat, Kibbutz Alonim, Israel; 1981-85.
13. Head Dietitian, Afula HaEmek Hospital, Afula, Israel; 1978-79.
14. USDA Cooperative Extension Service; Expanded Nutrition Program, Ann Arbor, MI; 1974-76.

Ellen Shefi, L.Ac. LMT

CONFERENCES AND SPEAKING ENGAGEMENTS

1. First Annual TAT (Tapas Acupuncture Technique) International Symposium; Torrance, CA; Oct. 14th, 2001; Guest Speaker: Interpreting the TAT Process.
2. Fourth Annual NAET (Nambudripad's Allergy Elimination Technique) Symposium; Los Angeles, CA; July 1998, Guest Speaker.
3. Drug Courts: The Next Step; National Conference, National Institute of Justice and The Office of Substance Abuse Control, Miami, FL, December 1-4, 1993; Guest Speaker and acupuncture demonstrator.
4. National Acupuncture Detoxification Association (NADA): National Conference 1992, Miami FL
Guest Speaker: Acupuncture and AIDS; March 1992.
5. Alcohol and Drug Problems Association (ADPA): 5th National Conference on Women's Issues; Guest Speaker: Acupuncture for Drug Addiction Treatment in Multnomah County Prison and Jail; Portland, OR; May 1991.

ORGANIZATIONS

1. American Association of Acupuncture and Oriental Medicine (AAAOM); 1990-present.
2. Oregon Acupuncture Association (OAA); 1989-2008.
3. Oregon Association of Acupuncture and Oriental Medicine (OAAOM), board of directors, 2008-2009.
4. Oregon Unification Committee, secretary, 2008.
3. National Acupuncture Detoxification Association; 1990-1994.
4. American Holistic Medical Association (AHMA); 1986-1990.
5. American Herb Association; 1986-present.
6. Herbalists of the Pacific States (HOPS); 1986-1988.
7. International Association of Orthobionomy, 1986-1987.
8. Israel Dietetic Association, 1977-present.

LANGUAGES

English
Hebrew
French