

**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

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**Agenda**

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***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

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**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.***

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***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**

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

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

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

<b>Visiting Acupuncturist</b>	Misha Cohen, LAc, California
<b>Program Description</b>	Oregon College of Oriental Medicine Doctoral Degree Program
<b>Dates</b>	August 7-10, 2009
<b>Name of Responsible Oregon Acupuncturist</b>	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.

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

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**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.