

**Oregon Board of Medical Examiners
ACUPUNCTURE ADVISORY COMMITTEE MINUTES**

Friday, September 23, 2005, 11:30 AM

1500 SW 1st Ave, Suite 620

Portland, OR 97201

Board Accepted 10/7/05

Pending Committee Approval

MEMBERS PRESENT:

Robert Gross, MD – Chair
Malvin Finkelstein, LAc
Ellen Goldsmith, LAc, LMT
Gene Hong, MD
Debra Mulrooney, LAc

MEMBERS ABSENT:

David Watt, MD – Board Liaison

STAFF PRESENT:

Kathleen Haley, Executive Director
Diana Dolstra, Licensing Administrator
Jennifer Lannigan, Licensing Coordinator
Candice Kramer, Acupuncture and Physician Assistant Licensing Specialist
Mike Sherman, Investigations

GUESTS PRESENT:

Natalie Arndt, Editor, Oregon Acupuncture Association Newsletter
Carol Griesmeyer, LAc, Oregon Acupuncture Association
Steve Meeker, LAc, Acupuncture and Oriental Medicine Society of Oregon
Shannon Chawla, LAc, Oregon Acupuncture Association
Robert Kaneko, LAc, Oregon College of Oriental Medicine

WORKING LUNCH:

Discuss scheduling future meeting days, times, and lunches

EXECUTIVE SESSION:

Update on acupuncturists currently under Board investigation – Mike Sherman, Investigations

Review application for unlimited licensure

Review mentorship quarterly report

PUBLIC SESSION:

Approve Acupuncture Advisory Committee minutes of the March 18, 2005 meeting and July 26, 2005
teleconference meeting

Review application for unlimited licensure, Client #32889

The Board requests the Committee establish an Acupuncture Code of Ethics

Discussion item: Shall the Committee establish guidelines detailing what tasks an acupuncturist may or may not delegate to an assistant?

Discussion item: Shall the Committee meet with graduating classes to educate them about the role of the Committee and to answer questions? – Ellen Goldsmith, LA, LMT

Discussion item: What is the desired action if an applicant fails the Acupuncture Applicant Questionnaire on the Medical Practice Act & Administrative Rules more than three times?

Discussion item: Shall private practice acupuncturists applying for licensure in Oregon be required to submit three reference letters from colleagues within his/her community as is the current requirement for physicians?

Discussion item: Shall the Committee establish guidelines for licensure of applicants who graduate more than 12 months after completion of their coursework?

Assignment of a Committee member who will represent the Committee during Board business for the next six months

Discussion Item: Lack of reimbursement to physicians for acupuncture services provided – Gene Hong, MD

Proposed administrative rules changes – Final Review

 OAR 847-070-0016 – Update language to reflect current NCCAOM certification and exam modules

 OAR 847-070-019 and -0045 – Define acceptable documentation of evidence of current competency in acupuncture for an acupuncturist who has not practiced as an acupuncturist for a period of more than 12 months

Select new Acupuncture Advisory Committee Chair

Legislative Update – SB 936; SB 285; and SB 620

Approval of new licensee consent agenda

Approval of Limited Licenses, Special

Approval of reactivation of Oregon Acupuncture licenses

Approval of Limited License, Visiting Professor one-year extensions

Approval of Oregon licensed acupuncturists as clinical supervisors

Approve future meeting dates

Public Comment Session



WORKING LUNCH

Robert Gross, MD, Committee Chair, called the meeting to order at 11:30 a.m.

The Committee agreed to keep scheduling Committee meetings on Fridays, but to change the start time to 12:00 p.m. rather than 11:30 a.m. The Committee additionally agreed to hold the working lunch portion of the meetings at the Board office rather than offsite.

EXECUTIVE SESSION:

UPDATE ON ACUPUNCTURISTS CURRENTLY UNDER BOARD INVESTIGATION – MIKE SHERMAN, INVESTIGATIONS

REVIEW APPLICATION FOR UNLIMITED LICENSURE

REVIEW MENTORSHIP QUARTERLY REPORT

PUBLIC SESSION:

REVIEW APPLICATION FOR UNLIMITED LICENSURE

TAB AA
Executive Session

It was moved and seconded that

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE CLIENT #32402 FOR UNLIMITED LICENSURE WITH PARTICIPATION IN THE OREGON BOARD OF MEDICAL EXAMINERS HEALTH PROFESSIONALS PROGRAM.

Motion carried unanimously.

REVIEW MENTORSHIP QUARTERLY REPORT

The Committee reviewed the quarterly report and found it to be acceptable. The Committee will forward literature to mentor and licensee regarding PAR Q.

REVIEW APPLICATION FOR UNLIMITED LICENSURE

TAB BB

The Committee recommends staff add an informational piece to the Acupuncture Application for Licensure stating that, if an acupuncturist has been out of practice for more than one year, a mentorship relationship may be required as a part of licensure.

It was moved and seconded that

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE CLIENT #32889 FOR UNLIMITED LICENSURE UNDER A CORRECTIVE ACTION ORDER REQUIRING CLIENT #32889'S ACCEPTABLE PARTICIPATION UNDER AND COMPLETION OF THE TERMS OF THE OREGON BOARD OF MEDICAL EXAMINERS ACUPUNCTURE MENTORSHIP OUTLINE.

Motion carried unanimously.

APPROVE MINUTES

It was moved and seconded that

THE ACUPUNCTURE ADVISORY COMMITTEE APPROVES THE MINUTES FROM THE MARCH 18, 2005 AND THE JULY 26, 2005 TELECONFERENCE ACUPUNCTURE ADVISORY COMMITTEE MEETINGS AS AMENDED.

Motion carried unanimously.

ACUPUNCTURE CODE OF ETHICS

The Committee discussed that, by statute, the Board refers back to the professional ethical standards established by professional associations for MD/DO licensees in Oregon. The Committee felt it prudent to model the ethical guidelines for Acupuncturists after this practice.

It was moved and seconded that

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS ADOPT AN ACUPUNCTURE CODE OF ETHICS THAT STATES THAT ANY CONDUCT OR PRACTICE CONTRARY TO RECOGNIZED STANDARDS OF ETHICS WILL BE DEEMED UNPROFESSIONAL CONDUCT.

Motion carried unanimously.

TASK DELEGATION TO ACUPUNCTURE ASSISTANTS

Staff specifically requested guidance about whether or not an acupuncture assistant may perform cupping and remove needles. The Committee stated that activities of acupuncture assistants are not regulated by this Board; therefore, no comment will be made as to whether or not an assistant may perform them.

It was moved and seconded that

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS ADOPT A POLICY OF ABSTAINING FROM DEFINING WHAT TASKS AN ACUPUNCTURE ASSISTANT MAY PERFORM AS THERE IS NO CURRENT REGULATION OF ACUPUNCTURE ASSISTANTS.

Motion carried. Gene Hong, MD, abstained.

YEARLY MEETINGS WITH LOCAL GRADUATING ACUPUNCTURE CLASSES

It was moved and seconded that

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS ALLOW THE COMMITTEE TO SEND A LETTER TO BOTH OF THE ACUPUNCTURE SCHOOLS IN THE COMMUNITY OFFERING YEARLY PRESENTATIONS BY A COMMITTEE MEMBER ACCOMPANIED BY BOARD STAFF TO EDUCATE GRADUATES ABOUT THE ROLE OF THE COMMITTEE, LICENSURE ISSUES, AND OTHER PERTINENT DETAILS.

Motion carried unanimously.

OPEN-BOOK QUESTIONNAIRE FAILURE

Staff presented a copy of OAR 847-020-0170 (8) which outlines what the action will be if a MD/DO/DPM applicant fails an open-book exam three times, application must be reviewed by the Committee, and the applicant must attend an informal interview with a Board member, Board investigator, and/or Medical Director to discuss their failures, before being given a fourth and final attempt to pass the exam. If the applicant does not pass the exam on the fourth attempt, they may be denied licensure. The Committee reviewed the rule. The Committee decided to take no action at this time.

THREE LETTERS OF RECOMMENDATION FOR PRIVATE PRACTICE APPLICANTS

It was moved and seconded that

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS ADOPT A POLICY OF REQUIRING APPLICANTS WHO HAVE BEEN A SOLO PRACTITIONER TO PROVIDE THE BOARD WITH THREE LETTERS OF RECOMMENDATION FROM COLLEAGUES WITHIN THE LOCAL COMMUNITY WHO HAVE KNOWN THE APPLICANT FOR MORE THAN SIX MONTHS.

Motion carried unanimously.

Board staff to draft administrative rules to reflect this requirement.

APPLICANTS WHO GRADUATE MORE THAN 12 MONTHS AFTER COMPLETION OF COURSEWORK

The Committee agreed that up to 12 months is an acceptable time to allow an applicant to be out of the classroom setting before graduation.

The Committee agreed that a standard would be set regardless of location of institution requiring an exit exam to be administered to any graduate who completed coursework more than 12 months prior to graduation.

The Committee agreed that an applicant who graduated more than 12 months after the completion of coursework may request that the institution they graduated from create and administer his/her exit exam or s/he may take an exam administered by a local accredited institution. The Committee further agreed that the exam used will be dependent upon the Board's discretion.

DESIGNATED COMMITTEE MEMBER TO REPRESENT THE COMMITTEE DURING RELATED BOARD BUSINESS

The Committee decided to take no action at this time and to continue with current practice.

REIMBURSEMENT TO PHYSICIANS PROVIDING ACUPUNCTURE SERVICES

The Committee decided to take no action on this topic as it is beyond its purview.

PROPOSED ADMINISTRATIVE RULES OAR 847-070-0016, OAR 847-070-0019, AND OAR 847-070-0045 – FINAL REVIEW *Exhibit A*

It was moved and seconded that

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE OAR 847-070-0016, OAR 847-070-0019, AND OAR 847-070-0045 AS AMENDED.

Motion carried unanimously.

NEW COMMITTEE CHAIR

Ellen Goldsmith, LAc, nominated Malvin Finkelstein, LAc, to be the next Acupuncture Advisory Committee Chair.

Gene Hong, MD, nominated Robert Gross, MD, to be the next Acupuncture Advisory Committee Chair. Dr. Gross announced that his final term would end 8/6/06 and that he would not be able to Chair the Committee beyond the next meeting. Dr. Hong then nominated Debra Mulrooney, LAc, as the next Acupuncture Advisory Committee Chair.

A vote by secret ballot was held and Mr. Finkelstein was voted Chair with three votes. Mr. Finkelstein will begin his position as Committee Chair at the next Committee meeting.

LEGISLATIVE UPDATE

Exhibit B

Ms. Haley reported on Senate Bill 936, Senate Bill 285, and Senate Bill 620

Ms. Haley indicated that SB 936 passed; does not require the Board to set up another license for out-of-state practitioners to demonstrate the practice of acupuncture as part of a recognized and limited duration educational program, lecture, or event in Oregon. She also reported that SB 285, relating to the Pain Management Commission passed. She indicated that SB 620 passed and requires licensed practitioners, including acupuncturists, who are working in a healthcare facility to wear name badges.

APPROVE NEW LICENSEE CONSENT AGENDA

AKASAKA, Diane Margaret LL14895	RAFTER, Sara Charlotte Anna LL15644
ATKINS-WHEELER, Jessica Leigh LL15076	REESE, Michael Lawrence LL15695
BEKOOY, Stephanie Virginia LL14896	REIN, Casey Conn LL15279
BROWN, Anita Beth LL14894	SHORT, Melody Lynne
BUCHANAN, Lindsay Smith LL14883	SIERADSKI, Matthew Peters LL15687
CHEN, Xiaoli LL15659	SINGER, Robert Benjamin LL15638
CHIU, Edward Sen-How LL15518	THORNE, Tracy Lynn LL15538
CONLIN, Cynthia Lynn LL15282	TICKNOR, Kathie Meyer LL15078
ELMORE, Nesbitt Durr LL15248	TIGHE, Maureen Davidson
FARMER, Pamela Elizabeth LL15630	WAN, William Kang LL15702
HAVENS, Shalena Dawn LL15280	WANG, Yi
KERLE, Elizabeth Ann LL15018	WEINTROB, Wendy Ann
LEE, Dale Kyu LL15077	WOODRUFF, Meaghan Hall
LU, Chiaoli-Andrea LL15705	YAMAMOTO, Elizabeth Diane
MATHEWS, Monica LL15084	YAMAMOTO, Takashi LL14940
NEWCOMB, Sue Elliott LL15598	ZIMMERMAN, Ann Elizabeth Wright LL15631
OLSON, Jeffrey Philip LL15203	ZIMMERMAN, Richard Clark LL15683
PHAN, An Hoang LL15617	

It was moved and seconded that

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE THE AFOREMENTIONED APPLICANTS FOR UNLIMITED LICENSURE.

Motion carried unanimously.

APPROVE ACUPUNCTURE APPLICANTS GRANTED A LIMITED LICENSE, SPECIAL

AKASAKA, Diane Margaret LL14895

ATKINS-WHEELER, Jessica Leigh LL15076

BEKOOY, Stephanie Virginia LL14896

BROWN, Anita Beth LL14894

BUCHANAN, Lindsay Smith LL14883

CHEN, Xiaoli LL15659

CHIU, Edward Sen-How LL15518

CONLIN, Cynthia Lynn LL15282

ELMORE, Nesbitt Durr LL15248

FARMER, Pamela Elizabeth LL15630

HAVENS, Shalena Dawn LL15280

KERLE, Elizabeth Ann LL15018

LEE, Dale Kyu LL15077

LU, Chiaoli-Andrea LL15705

MATHEWS, Monica LL15084

NEWCOMB, Sue Elliott LL15598

OLSON, Jeffrey Philip LL15203

PHAN, An Hoang LL15617

RAFTER, Sara Charlotte Anna LL15644

REESE, Michael Lawrence LL15695

REIN, Casey Conn LL15279

SIERADSKI, Matthew Peters LL15687

SINGER, Robert Benjamin LL15638

THORNE, Tracy Lynn LL15538

TICKNOR, Kathie Meyer LL15078

WAN, William Kang LL15702

YAMAMOTO, Takashi LL14940

ZIMMERMAN, Ann Elizabeth Wright LL15631

ZIMMERMAN, Richard Clark LL15683

It was moved and seconded that

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE THE AFOREMENTIONED APPLICANTS GRANTED A LIMITED LICENSE, SPECIAL.

Motion carried unanimously.

APPROVE REACTIVATION OF OREGON ACUPUNCTURE LICENSE

AERENSEN, Jane E Yaffa AC00725

COFFMAN, Alan Bruce AC00383

MEDGHALCHY, Nooshin Nikki AC00502

RYDER, Jeff Wreden AC00706

It was moved and seconded that

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE THE AFOREMENTIONED LICENSE REACTIVATIONS.

Motion carried unanimously.

APPROVE LIMITED LICENSE, VISITING PROFESSOR ONE-YEAR EXTENSION

VERSLUYS, Arnaud Andre Rudi, LL12565

National College of Naturopathic Medicine

Current extension dates 6/24/05-6/24/06

Final extension

It was moved and seconded that

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE THE AFOREMENTIONED APPLICANT FOR LIMITED LICENSE, VISITING PROFESSOR FOR A FINAL ONE-YEAR EXTENSION.

Motion carried unanimously.

APPROVE OREGON LICENSED ACUPUNCTURISTS AS CLINICAL SUPERVISORS

CHIU, Edward Sen-How
Practicing/First Licensure: 9/16/99
Practice location – OCOM

MEDGHALCY, Nooshin Nikki
Practicing/First Licensure: 11/15/99
Practice location – OCOM

ROHLEDER, Lisa Marie
Practicing/First Licensure: 8/1/94
NE Portland

It was moved and seconded that

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

Motion carried unanimously.

FUTURE MEETING DATES:

BME: October 6-7, 2005
AC Committee: March 24, 2006
BME: April 15, 2006 (*tentative*)
AC Committee: September 22, 2006 (*tentative*)

PUBLIC DISCUSSION:

Steve Meeker, LAc, Vice President Acupuncture and Oriental Medicine Society of Oregon, voiced concerns about administration of exit exams. He stated that he felt that the content of the exit exams should be determined before the acupuncturist is told that s/he must take the exam.

The Committee responded to Mr. Meeker, by stating that the content of the exam had already been determined in association with previous applicants.

Natalie Arndt, Editor, Oregon Acupuncture Association (OAA) Newsletter, brought three issues to the Committee's attention. First she indicated, that, as a nurse, she has to verify that she has practiced a specific number of hours each year and thought that this would be a good direction for the Board to take with acupuncturists. Second, she noted that the OAA has recently formed an ethics and standards committee. Thirdly, she expressed concerns about confusion that exists with malpractice insurance carriers because there is no clear guidance as to what procedures an acupuncturist may delegate to an assistant.

The Committee responded to Ms. Arndt by stating that the Committee could not clear up the confusion between licensees and insurance carriers because it was beyond its purview.

Robert Kaneko, LAc, Oregon College of Oriental Medicine, asked whether or not massage fell within the Acupuncture scope of practice.

The Committee responded to Mr. Kaneko that Oriental massage was within the acupuncture scope of practice, but it acknowledged the possible confusion that exists when defining the difference between Oriental massage and massage.

ADJOURNMENT:

There being no further business to discuss, Dr. Gross adjourned the meeting at 1:50 pm.

NOTE: 10-7-05 The Board accepted the aforementioned Committee recommendations.

ACUPUNCTURE COMMITTEE MEETING MINUTES

Exhibit A

OREGON ADMINISTRATIVE RULES

CHAPTER 847, DIVISION 070 - BOARD OF MEDICAL EXAMINERS

PROPOSED RULES CHANGES – OCTOBER 2005

FINAL REVIEW BY THE BOARD

847-070-0016

Qualifications

(1) Effective November 1, 2001, an applicant for licensure as an acupuncturist in the State of Oregon must have the following qualifications:

(a) 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.

(b) Documentation of 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 [~~practical, written, and clean needle portions of 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 and passed the practical portion **(Point Location Module)** of the N.C.C.A.O.M. Acupuncture Certification Examination. An applicant must have passed the N.C.C.A.O.M. practical examination [~~(Practical Examination of Point Location Skills)~~], **which is the point location portion of the Acupuncture Certification Examinations** on or after April 22, 1991 in order to be eligible for Oregon licensure; or

(c) An applicant who does not meet the criteria in OAR 847-070-0016(1)(a)(A)-[(D)] **(B)** must have the following qualifications:

(A) Have five years of licensed clinical acupuncture practice in the United States prior to July 1, 1998. This practice must include a minimum of 500 acupuncture patient visits per year. Documentation shall include:

(i) 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

(ii) 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) Documentation of successful completion of the A.C.A.O.M. western medicine requirements in effect on July 1, 1998; and

(D) Documentation of 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 [~~written and clean needle portions of 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; or

(d) An individual whose acupuncture training and diploma were obtained in a foreign country and

who cannot document the requirements of subsection (1)(a) 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

(e) In addition to meeting the requirements in (1)(a) and (b), or (c), or (d), all applicants for licensure must have the following qualifications:

(A) A letter verifying licensure in good standing from the state or states of all prior and current medically 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; and

~~[(D) After the applicant has met all other requirements for licensure, the applicant may be required to appear before the Acupuncture Committee for a personal interview regarding information received during the processing of the application. The interview shall be conducted during a regular meeting of the committee.]~~

~~(E) If there is reasonable cause to question the qualifications of the applicant, or if the applicant has not practiced as an acupuncturist for a period of 12 or more consecutive months prior to application for Oregon licensure, the Board in its discretion may require the applicant to provide documentation or other evidence of his/her current competency in acupuncture.]~~

Interview and Examination

(1) In addition to all other requirements for licensure, an applicant may be required to appear before the Acupuncture Committee for a personal interview regarding information received in the application process. The interview shall be conducted during a regular meeting of the committee.

(2) If there is reasonable cause to question the qualifications of an applicant, or if an applicant has not practiced as an acupuncturist for a period of twelve (12) or more consecutive months prior to application for Oregon licensure, the Board in its discretion may require the applicant to do one or more of the following:

(a) Pass the N.C.C.A.O.M. Acupuncture Certification Examinations.

(b) Pass an evaluation which may be written, oral, practical, or any combination thereof.

(c) Provide documentation of current N.C.C.A.O.M. Acupuncture certification.

(d) Document 15 hours of continuing education acceptable to the Board for every year the applicant has ceased practice prior to application for Oregon licensure. Continuing education that meet N.C.C.A.O.M.'s recertification requirements would qualify as Board approved continuing education.

(e) As a condition of licensure, practice under a Board approved mentor for a specified period of time.

847-070-0045

Inactive Registration, and Reactivation from Inactive to Active

(1) Any acupuncturist licensed in this state and registered under ORS 677.770 who changes location to some other state or country shall be listed by the Board as inactive.

(2) If the acupuncturist wishes to resume active status, the acupuncturist shall file an affidavit with the Board describing activities during the period of inactive status.

(3) If, in the judgment of the Board, the conduct of the acupuncturist has been such, during the period of inactive registration, that the acupuncturist would have been denied a license if

applying for an initial license, the Board may deny active registration.

(4) If a licensed acupuncturist in this state ceases to practice for a period of 12 or more consecutive months, the Board in its discretion may require the acupuncturist to ~~[provide documentation or other evidence of his/her current competency in acupuncture.]~~ **do one or more**

of the following:

(a) Pass the N.C.C.A.O.M. Acupuncture Certification Examinations.

(b) Pass an evaluation which may be written, oral, practical, or any combination thereof.

(c) Provide documentation of current N.C.C.A.O.M. Acupuncture Certification.

(d) Document 15 hours of continuing education acceptable to the Board for every year the applicant has ceased practice prior to application for Oregon licensure. Continuing education that meet N.C.C.A.O.M.'s recertification requirements would qualify as Board approved continuing education.

(e) As a condition of licensure, practice under a Board approved mentor for a specified period of time.

ACUPUNCTURE COMMITTEE MEETING MINUTES
Exhibit B

73rd OREGON LEGISLATIVE ASSEMBLY--2005 Regular Session

Enrolled

Senate Bill 936

Sponsored by COMMITTEE ON JUDICIARY

CHAPTER

AN ACT

Relating to licenses to practice acupuncture; amending ORS
677.761.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 677.761 is amended to read:

677.761. Nothing in ORS 677.757 to 677.770 is intended to:

(1) Prevent, limit or interfere with an individual licensed or certified by the Board of Medical Examiners for the State of Oregon from practicing health care other than acupuncture within the scope of the license or certification of the individual.

(2) Limit any other licensed or certified health care practitioner from practicing acupressure or other therapy within the scope of the license or certification of the individual.

(3) Limit the activities of any person who engages in the business of providing Oriental massage, exercise and related therapeutic methods or who provides substances listed in an Oriental pharmacopoeia, or vitamins or minerals or dietary advice, so long as the activities of the person are not otherwise prohibited by law.

{ + (4) Limit the ability of practitioners from outside Oregon to demonstrate the practice of acupuncture as part of a recognized and limited duration educational program, lecture or event within this state under rules adopted by the board. + }

Passed by Senate April 20, 2005

.....
Secretary of Senate

.....
President of Senate

Passed by House June 8, 2005

.....
Speaker of House

Enrolled

Senate Bill 285

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senator Joan Dukes)

CHAPTER

AN ACT

Relating to Pain Management Commission; amending ORS 409.520, 409.560 and 689.285.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 409.520 is amended to read:

409.520. (1) The Pain Management Commission shall consist of 19 members as follows:

(a) Seventeen members shall be appointed by the Director of Human Services. Prior to making appointments, the director shall request and consider recommendations from individuals and public and private agencies and organizations with experience or a demonstrated interest in pain management issues, including but not limited to:

(A) Physicians licensed under ORS chapter 677 or organizations representing physicians;

(B) Nurses licensed under ORS chapter 678 or organizations representing nurses;

(C) Psychologists licensed under ORS 675.010 to 675.150 or organizations representing psychologists;

(D) Physician assistants licensed under ORS 677.495 to 677.545 or organizations representing physician assistants;

(E) Chiropractic physicians licensed under ORS chapter 684 or organizations representing chiropractic physicians;

(F) Naturopaths licensed under ORS chapter 685 or organizations representing naturopaths;

(G) Clinical social workers licensed under ORS 675.510 to 675.600 or organizations representing clinical social workers;

{ + (H) Acupuncturists licensed under ORS 677.759;

(I) Pharmacists licensed under ORS chapter 689; + }
{ - (H) - } { + (J) + } Palliative care professionals or organizations representing palliative care professionals;

{ - (I) - } { + (K) + } Mental health professionals or organizations representing mental health professionals;

{ - (J) - } { + (L) + } Health care consumers or organizations representing health care consumers;

{ - (K) - } { + (M) + } Hospitals and health plans or organizations representing hospitals and health plans;

{ - (L) - } { + (N) + } Patients or advocacy groups representing patients; and

{ - (M) - } { + (O) + } Members of the public.

(b) Two members shall be members of a legislative committee with jurisdiction over human services issues, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives. Both members shall be nonvoting, ex officio members of the commission.

(2) The term of office of each member is four years, but a member serves at the pleasure of the appointing authority. Before the expiration of the term of a member, the appointing authority shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term.

SECTION 2. ORS 409.560 is amended to read:

409.560. (1) A physician assistant licensed under ORS chapter 677, a nurse licensed under ORS chapter 678, a psychologist licensed under ORS 675.010 to 675.150, a chiropractic physician licensed under ORS chapter 684 { + , + } { - or - } a naturopath licensed under ORS chapter 685 { + , an acupuncturist licensed under ORS 677.759 or a pharmacist licensed under ORS chapter 689 + } must complete one pain management education program { - established - } { + described + } under ORS 409.510.

(2) The Board of Medical Examiners, in consultation with the Pain Management Commission, shall identify by rule physicians licensed under ORS chapter 677 who, on an ongoing basis, treat patients in chronic or terminal pain and who must complete one pain management education program established under ORS 409.510. The board may identify by rule circumstances under which the requirement under this section may be waived.

SECTION 3. ORS 689.285 is amended to read:

689.285. (1) The Legislative Assembly finds and declares that:

(a) The continuous introduction of new medical agents and the changing concepts of the delivery of health care services in the practice of pharmacy make it essential that a pharmacist undertake a continuing education program in order to maintain professional competency and improve professional skills;

(b) The state has a basic obligation to regulate and control the profession of pharmacy in order to protect the public health and welfare of its citizens; and

(c) It is the purpose of this chapter to protect the health and welfare of Oregon citizens and to ensure uniform qualifications and continued competency of licensed pharmacists by requiring participation in a continuing pharmacy education program as a condition for renewal of licenses to practice pharmacy.

(2) All pharmacists licensed in the State of Oregon on and after October 3, 1979, shall satisfactorily complete courses of study and satisfactorily continue their education by other means as determined by the State Board of Pharmacy in subjects relating to the practice of the profession of pharmacy in order to be eligible for renewal of licenses.

(3) In accordance with applicable provisions of ORS chapter 183, the board shall make reasonable rules:

(a) Prescribing the procedure and criteria for approval of continuing pharmacy education programs, including the number of hours of courses of study necessary to constitute a continuing pharmacy education unit and the number of continuing pharmacy education units required annually for renewal of a pharmacist

license.

(b) Prescribing the scope of the examinations given by the board including grading procedures.

(c) Prescribing the content of the form to be submitted to the board certifying completion of an approved continuing pharmacy education program.

(d) Necessary to carry out the provisions of this chapter.

{ + (e) Prescribing the completion of:

(A) A pain management education program approved by the board and developed in conjunction with the Pain Management Commission established under ORS 409.500; or

(B) An equivalent pain management education program, as determined by the board. + }

(4) In adopting rules pursuant to subsection (3) of this section, the board shall consider:

(a) The need for formal regularly scheduled pharmacy education programs.

(b) Alternate methods of study including home-study courses, seminars or other such programs for those persons who, upon written application to the board and for good cause shown, demonstrate their inability to attend regularly scheduled formal classroom programs.

(c) The necessity for examinations or other evaluation methods used to ensure satisfactory completion of the continuing pharmacy education program.

(5) The board may contract for the providing of educational programs to fulfill the requirements of this chapter. The board is further authorized to treat funds set aside for the purpose of continuing education as state funds for the purpose of accepting any funds made available under federal law on a matching basis for the promulgation and maintenance of programs of continuing education. In no instance shall the board require a greater number of hours of study than it provides or approves in the State of Oregon and which are available on the same basis to all licensed pharmacists.

(6) The board may levy an additional fee of up to \$10 for each license renewal to carry out the provisions of this chapter.

Passed by Senate March 23, 2005

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Secretary of Senate

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President of Senate

Passed by House May 20, 2005

Enrolled

Senate Bill 620

Sponsored by COMMITTEE ON HUMAN SERVICES

CHAPTER

AN ACT

Relating to identification badges for health care practitioners.

Be It Enacted by the People of the State of Oregon:

SECTION 1. { + (1) A health care practitioner working at a health care facility and providing direct care to a patient shall wear an identification badge indicating the practitioner's name and professional title.

(2) A health care facility shall develop policies that specify the size and content of the identification badge required by subsection (1) of this section.

(3) As used in this section, 'health care facility' means a health care facility as defined in ORS 442.015 or a mental health facility, alcohol treatment facility or drug treatment facility licensed or operated under ORS 430.397 to 430.401 or ORS chapter 426 or 430. + }

Passed by Senate April 20, 2005

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Secretary of Senate

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President of Senate

Passed by House May 27, 2005