

Oregon State Board of Medical Examiners
ACUPUNCTURE ADVISORY COMMITTEE MINUTES

September 22, 2006
1500 SW 1st Ave, Suite 620
Portland, Oregon 97201

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

**THE BOARD OF MEDICAL EXAMINERS ACCEPTED THE FOLLOWING COMMITTEE
RECOMMENDATIONS 10/13/06**

MEMBERS PRESENT:

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

STAFF PRESENT:

Kathleen Haley, JD, Executive Director
Candice Kramer, Acupuncture Licensing Specialist
Gary Stafford, Chief Investigator

GUESTS PRESENT:

Natalie Arndt, LAc, Editor, Oregon Acupuncture Association (OAA) Newsletter
Siomak Shirazi, LAc, President, Acupuncture and Oriental Medicine Society of Oregon (AOMSO)
David Tara, LAc, Oregon Acupuncture Association (OAA)
Travis Buckmaster, LAc, Secretary, Acupuncture and Oriental Medicine Society of Oregon (AOMSO)
Diane Lynn Miller, MD
Rose Ann Blackwell, MD
Anne Ruth Nedrow, MD
Marion Jean Newmarch Darling, MD

AGENDA:

RECOGNITION OF ROBERT J. GROSS, MD, RETIRED COMMITTEE CHAIR

UPDATE ON ACUPUNCTURISTS CURRENTLY UNDER BOARD INVESTIGATION

– Gary Stafford, Chief Investigator

**INTERVIEWS FOR ACUPUNCTURE ADVISORY COMMITTEE PHYSICIAN MEMBER
VACANCY**

The Committee interviewed Diane Lynn Miller, MD, Rose Ann Blackwell, MD, Anne Ruth Nedrow, MD, and Marion Jean Newmarch Darling, MD.

**THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL
EXAMINERS APPROVE DIANE LYNN MILLER, MD, TO FILL THE PHYSICIAN MEMBER
VACANCY ON THE ACUPUNCTURE ADVISORY COMMITTEE.**

THE ACUPUNCTURE ADVISORY COMMITTEE APPROVES THE MINUTES OF THE MARCH 24, 2006 ACUPUNCTURE ADVISORY COMMITTEE MEETING.

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE THE FOLLOWING APPLICANTS FOR UNLIMITED LICENSURE:

BRADY, Lisa Monique
FISK, Andrea Paton, LL16537
MCNAMEE, Shaunne Marie LL15929

NATTA, Andrea Leonora, LL15953
TINDEL, Kimberly Ann, LL15938

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

FISK, Andrea Paton, LL16537
MCNAMEE, Shaunne Marie LL15929

NATTA, Andrea Leonora, LL15953
TINDEL, Kimberly Ann, LL15938

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE THE FOLLOWING APPLICANT GRANTED A LIMITED LICENSE, VISITING PROFESSOR, ONE-YEAR EXTENSION:

ZHANG, Farong, LL16555 First extension valid from 7/14/06 - 7/14/07

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE THE FOLLOWING OREGON ACUPUNCTURE LICENSEES AS CLINICAL SUPERVISORS:

ESPESETE, Deborah Elizabeth AC00491
GARCIA, Gregory Paul AC00538

LU, Zhaoxue AC00794
PATEL, Jasmine Loveji AC00965

THE ACUPUNCTURE ADVISORY COMMITTEE APPROVES USING ELECTRONIC, RATHER THAN PAPER AGENDA BOOKS, FOR ALL FUTURE COMMITTEE MEETINGS.

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE THE FINAL REVIEW OF FOLLOWING AS SUBMITTED:

Exhibit A

- OAD 847-070-0016, QUALIFICATIONS**
- OAD 847-070-0019, INTERVIEW AND EXAMINATION**
- OAD 847-070-0022, DOCUMENTS TO BE SUBMITTED FOR LICENSURE**

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE FIRST REVIEW OF OAD 847-070-0038, LIMITED LICENSE, VISITING PROFESSOR, AS SUBMITTED.

Exhibit B

The Committee determined that there shall be no requirement that Limited Licenses, Visiting Professor extensions be consecutive, with no time limit between issuance of the first, second, and third licenses.

The Committee determined that Limited License, Visiting Professor applicants shall not be required to submit all of the documents required for permanent licensure.

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE REVISING OAR 847-070-0016 (2) AS FOLLOWS:

The Committee recommends removing the shaded area below from OAR 847-070-0016 (2) (see Exhibit A for reference to rule in its entirety):

An applicant shall be deemed certified by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) in Acupuncture if the applicant has passed the NCCAOM Acupuncture Certification Examinations, or has been certified through NCCAOM through the NCCAOM Credentials Documentation Examination and passed the practical (Point Location Module) of the NCCAOM Acupuncture Certification Examinations. An applicant must have passed the NCCAOM practical examination, 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;

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE THE FOLLOWING VISITING ACUPUNCTURISTS:

Visiting Acupuncturist	Mark Seem, PhD, LAc, New York Acupuncture License #000171
Program Description	Oregon College of Oriental Medicine presents: "Reflective Acupuncture Practice & Tong Shen Ming: The Role of Non-Specific Factors in Acupuncture Treatment Success"
Dates	April 29 - 30, 2006
Name of Responsible Oregon Acupuncturist	Laura Santi, AC00248

Visiting Acupuncturist	David Ford, LAc, Alaska Acupuncture License #1; California Acupuncture License #AC1280; Idaho Acupuncture License #ACU-133
Program Description	Educational courses presented by Kwan-Yin Healing Arts Center Awakening to the Soul of Our Medicine
Dates	May 10 - 19, 2006 September 15 - 24, 2006
Name of Responsible Oregon Acupuncturist	David Berkshire, AC00585

Visiting Acupuncturist	Wei Liu, LAc, Minnesota Acupuncture License #1085
Program Description	Oregon College of Oriental Medicine Doctor of Acupuncture and Oriental Medicine Degree Program
Dates	December 8 - 11, 2006
Name of Responsible Oregon Acupuncturist	Robert Kaneko, AC00222

REVIEW APPLICATION FOR UNLIMITED LICENSURE, RUTH BAR-SHALOM, APPLICANT REQUESTING WAIVER FOR POINT LOCATION ELIGIBILITY REQUIREMENT

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE CLIENT 01146, RUTH BAR-SHALOM, FOR UNLIMITED LICENSURE AFTER SHE TAKES THE NCCAOM POINT LOCATION EXAMINATION AND NCCAOM SUBMITS DOCUMENTATION OF THE PASSING EXAM TO THE OREGON BOARD OF MEDICAL EXAMINERS.

REVIEW APPLICATION FOR UNLIMITED LICENSURE, DAVID EVON GARRETT, WHO HAS NOT PRACTICED ACUPUNCTURE FOR APPROXIMATELY SIX YEARS

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE CLIENT 34403, DAVID EVON GARRETT, FOR UNLIMITED LICENSURE AFTER HIS CURRENT CLINICAL COMPETENCY HAS BEEN ESTABLISHED BY AN OREGON LICENSED ACUPUNCTURIST, TO BE APPROVED BY THE COMMITTEE CHAIR, USING THE BOARD APPROVED ACUPUNCTURE MENTORSHIP OUTLINE QUARTERLY REPORT FORM AS THE STANDARD FOR EVALUATION.

REVIEW APPLICATION FOR UNLIMITED LICENSURE, KAREN LORRAINE KAUFMAN, WHO HAS NEVER PRACTICED ACUPUNCTURE SINCE GRADUATION NEARLY THREE YEARS AGO

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE CLIENT 33960, KAREN LORRAINE KAUFMAN, FOR UNLIMITED LICENSURE UNDER A CORRECTIVE ACTION ORDER REQUIRING MS. KAUFMAN'S ACCEPTABLE PARTICIPATION UNDER, AND COMPLETION OF, THE OREGON BOARD OF MEDICAL EXAMINERS ACUPUNCTURE MENTORSHIP OUTLINE, AMENDED TO 100 RATHER THAN 400 HOURS OF MENTORSHIP.

REVIEW APPLICATION FOR UNLIMITED LICENSURE, ON JOONG SHIN, WHO HAS NEVER PRACTICED ACUPUNCTURE SINCE GRADUATION NEARLY FOUR YEARS AGO

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE CLIENT 33273, ON JOONG SHIN, FOR UNLIMITED LICENSURE UNDER A CORRECTIVE ACTION ORDER REQUIRING MR. SHIN'S ACCEPTABLE PARTICIPATION UNDER, AND COMPLETION OF, THE OREGON BOARD OF MEDICAL EXAMINERS ACUPUNCTURE MENTORSHIP OUTLINE, AMENDED TO 349 RATHER THAN 400 HOURS OF MENTORSHIP.

REVIEW AFFIDAVIT FOR REACTIVATION OF JANICE MARIE BRIGHT, INACTIVE LICENSEE THAT HAS NOT PRACTICED ACUPUNCTURE IN OVER SIX YEARS

THE ACUPUNCTURE ADVISORY COMMITTEE RECOMMENDS THE BOARD OF MEDICAL EXAMINERS APPROVE THE REACTIVATION OF LICENSE, AC00287, ISSUED TO JANICE MARIE BRIGHT, UNDER A CORRECTIVE ACTION ORDER REQUIRING MS. BRIGHT'S ACCEPTABLE PARTICIPATION UNDER, AND COMPLETION OF, THE FULL TERMS (400 HOURS) OF THE OREGON BOARD OF MEDICAL EXAMINERS ACUPUNCTURE MENTORSHIP OUTLINE.

ACUPUNCTURISTS USING DOCTORAL CREDENTIALS

The Acupuncture Advisory Committee requested further counsel about this subject via teleconference from Warren Foote, JD, Department of Justice. The Committee requests additional interpretation of ORS 677.110 (9) and ORS 677.060 from Mr. Foote.

DISCUSS MODIFYING THE ROLE OF THE ACUPUNCTURE ADVISORY COMMITTEE IN INVESTIGATIONS OF ACUPUNCTURISTS

The Committee discussed the investigatory process of acupuncturists with Kathleen Haley, JD, Executive Director, and Gary Stafford, Chief Investigator.

Ms. Haley and Mr. Stafford explained that the Board requests that all investigations requiring Investigative Committee interviews, have an acupuncturist from the Acupuncture Advisory Committee present to provide input about the case and appropriate action.

Ms. Haley stated that in the instances in which an acupuncturist Committee member is unavailable to perform this role, the Board must use a pre-approved acupuncturist consultant.

It was determined that an agenda item would be added in conjunction with the Chief Investigator’s update, in which Committee members who had been consulted prior to each meeting shall report his or her experience and recommendation to the Acupuncture Advisory Committee.

PUBLIC COMMENT SESSION

David Tara, LA-C, Oregon Acupuncture Association (OAA), offered the Association’s assistance to the Committee in future endeavors and reports that OAA expects to have a draft of its code of ethics for the Committee’s review by its next meeting March 2007.

The Committee referred response to the National College of Naturopathic Medicine to the Board’s Counsel for a response.

LICENSES ISSUED IN THE INTERIM BY THE EXECUTIVE DIRECTOR UNDER “EXPRESS LICENSING” PROCEDURE THAT WAS APPROVED BY THE COMMITTEE AND BOARD SPRING 2006:

- | | |
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| BAUGHMAN , Gary Sparks, AC00990 | OVERLAND , Cyndee Sanell, AC00991 |
| CLARK , Kathryn Ann, AC00993 | PAGLIASOTTI , Katherine Ann, AC00988 |
| COSTELLO , Jason Richard, AC00987 | RENNINGS , Deanna Nicole, AC00994 |
| CZEREW , Audrey Marie, AC00995 | VERSLUYS , Arnaud Andre Rudi, AC00997 |
| DAVIS , Randall John, AC00999 | WALTERS , Lisa Anne, AC01000 |
| JONES , Janeen Sue, AC00996 | WIND , Cassandra, AC00989 |
| MILLS , Cynthia Lynn, AC00998 | ZHANG , Fang, AC00992 |

FUTURE MEETING DATE:

Acupuncture Advisory Committee March 23, 2007

Board Date for reference

April 13, 2007

OREGON ADMINISTRATIVE RULES

CHAPTER 847, DIVISION 070 - BOARD OF MEDICAL EXAMINERS

PROPOSED RULES CHANGES – OCTOBER 2006

FINAL REVIEW BY THE BOARD

The proposed rules renumber the sections of OAR 847-070-0016 to be consistent with the administrative rule numbering system, make minor language changes to establish parallelism in the rule language, add the requirement that an applicant for acupuncture license pass an open-book examination, and specify the documents to be submitted for licensure as an acupuncturist.

Qualifications

847-070-0016

~~[(4)]~~ Effective November 21, 2001, an applicant for licensure as an acupuncturist in the State of Oregon must have the following qualifications:

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

~~[(B)]~~ **(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 e]~~ **(2)** 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 and passed the practical portion (Point Location Module) of the N.C.C.A.O.M. Acupuncture Certification Examinations. An applicant must have passed the

N.C.C.A.O.M. practical examination, 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

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

~~[(A) Have f]~~ **(a)** 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)]~~ **(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

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

~~[(B)]~~ **(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 s]~~ **(c)** Successful completion of the A.C.A.O.M. western medicine requirements in effect on July 1, 1998; and

~~[(D) Documentation of e]~~ **(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; or

~~[(e)]~~ **(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

~~[(e)]~~ **(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) A letter verifying l]~~ **(a)** Licensure in good standing from the state or states of all prior and current ~~[medically]~~ **health** related licensure; and

~~[(B)]~~ **(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)~~ **(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.

OAR 847-070-0019

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 meets 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.

(3) An applicant shall be required to pass an open-book examination on the Medical Practice Act (ORS Chapter 677) and Oregon Administrative Rules (OAR Chapter 847, Division 070).

847-070-0022

Documents to be Submitted for Licensure

The documents submitted must be no larger than 8 ½" x 11". All documents will be retained by the Board as a permanent part of the application file. If original documents are larger than 8 ½" x 11", the copies must be

reduced to the correct size with all wording and signatures clearly shown. The following documents are required for an applicant:

(1) Application Form: Completed formal application form provided by the Board. Each and every question must be answered with full dates, showing month, day, and year.

(2) Birth Certificate: A copy of birth certificate for proof of name and birthdate, or a copy of Change of Name documentation, Marriage Certificate, or Divorce Decree if the applicant's name has been changed by court order, adoption, marriage, divorce, etc.

(3) Acupuncture School Diploma: A copy of a diploma showing graduation from an approved school of acupuncture, for those applicants who qualify under OAR 847-070-0016(1).

(4) Military Separation Paper: A copy of Separation Paper (showing beginning and ending dates) for each term of Active Duty in the Armed Forces (Report of Separation - Form DD-214 or equivalent; Statement of Service, Verification of Status for USPHS), for the past ten (10) years only. A Discharge Certificate is not acceptable.

(5) Photograph: A close-up, finished, original photograph (passport quality), no smaller than 2" x 2" and no larger than 2 1/2" x 3", front view, head and shoulders (not profile), with features distinct, taken within 90 days preceding the filing of the application with the applicant's signature in ink and date taken on the photograph side.

(6) A letter from the Dean of the applicant's program of acupuncture, for those applicants who qualify under OAR 847-070-0016(1).

(7) A letter from the National Certification Commission for Acupuncture and Oriental Medicine (N.C.C.A.O.M.) verifying current certification in acupuncture by the N.C.C.A.O.M., for those applicants who qualify under OAR 847-070-0016(2).

(8) A letter verifying licensure in good standing from the state or states of all prior and current health related licensure.

(9) A letter from the Director or other official for practice and employment to include an evaluation of overall performance and specific beginning and ending dates of practice and employment, for the past five (5) years only. For acupuncturists who have been or are in solo practice, three reference letters from acupuncturists in the local treatment community who are familiar with the applicant's practice and who have known the applicant for more than six months.

OREGON ADMINISTRATIVE RULES

CHAPTER 847, DIVISION 070 - BOARD OF MEDICAL EXAMINERS

PROPOSED RULES CHANGES – OCTOBER 2006

FIRST REVIEW BY THE BOARD

The proposed rule removes the criterion that an applicant for a Limited License, Visiting Professor must establish to the satisfaction of the Board that he/she specifically has the skills and training equivalent to certification in acupuncture by NCCAOM, while retaining the criterion that the applicant must establish to the satisfaction of the Board that he/she has the skills and training equivalent to graduation from an ACCAOM accredited acupuncture program.

847-070-0038

Limited License, Visiting Professor

(1) An acupuncturist who has received a teaching position in a school of acupuncture in this state may be issued a Limited License, Visiting Professor if the following criteria are met:

(a) The applicant has established to the satisfaction of the Board that he/she has the skills and training equivalent to OAR 847-070-0016 (1)[~~(a)~~-(b)];

(b) The applicant has at least five years experience as an acupuncturist; and

(c) The applicant has submitted the appropriate form and fee for a Limited License, Visiting Professor.

(2) The head of the acupuncture school in which the applicant will be teaching shall certify in writing to the Board that the applicant has been offered a teaching position which will be under the direction of the head of the department and will not be permitted to practice acupuncture unless as a necessary part of the applicant's teaching position as approved by the Board.

(3) An acupuncturist who is applying for a Limited License, Visiting Professor may also be approved as a clinical supervisor if the applicant meets the requirements of OAR 847-070-0017.

(4) The Limited License, Visiting Professor may be granted for one year and may be granted a total of two one-year extensions upon annual review of the written justification of the need based upon academic necessity. The renewal form and fee must be submitted 30 days before the end of the year if an extension of the Limited License, Visiting Professor is requested.