

OREGON MEDICAL BOARD

ACUPUNCTURE ADVISORY COMMITTEE

Meeting – September 26, 2008

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, September 26, 2008. The meeting was called to order by Malvin Finkelstein, LAc, Chair, at 12:10 p.m.

MEMBERS PRESENT

Malvin Finkelstein, LAc, Chair
Sarojini S. Budden, MD, Board Liaison
Ellen Goldsmith, LAc, LMT
Gene G. Hong, MD
Diane Miller, MD
Debra L. Mulrooney, LAc

STAFF PRESENT

Kathleen Haley, JD, Executive Director
Jennifer Lannigan, Licensing Coordinator
Michele Provinsal, Acupuncture Licensing Specialist
Randy Day, Complaint Resource Officer

GUESTS PRESENT

Hilary Laferriere, LAc, Oregon Association of Acupuncture and Oriental Medicine
(OAAOM)
Michael Gaeta, President, Oregon College of Oriental Medicine

Agenda

EXECUTIVE SESSION:

Update on Acupuncturists Currently Under Board Investigation
– Randy Day, Complaint Resource Officer

Review Application for Licensure, Client #36539

Review Application for Licensure, Client #36892

PUBLIC SESSION:

Michael Gaeta, Oregon College of Oriental Medicine

Approve Acupuncture Advisory Committee Minutes of the March 14, 2008 Teleconference Meeting

Approve Acupuncture Advisory Committee Minutes of the June 18, 2008 Conference Call

Approval of Acupuncturists as Clinical Supervisors

Approval of Visiting Acupuncturists

Review Application for Licensure, Client #36939

Review Application for Reactivation of License, AC01007

Information Security Policy

First Review of Administrative Rules

847-070-0019 Interview and Examination

847-070-0020 Regulation of Activities of Acupuncturists

847-070-0045 Inactive Registration, and Reactivation from Inactive to Active

Alternate Pathway Rule Revision

Approval of Future Meeting Dates

Public Comment Session

Malvin Finkelstein, LAc, Chair, called the meeting to order at 12:10 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

– Randy Day, Complaint Resource Officer

Review Application for Licensure, Client #36539

Review Application for Licensure, Client #36892

PUBLIC SESSION:

Michael Gaeta, President, Oregon College of Oriental Medicine (OCOM)

Michael Gaeta announced an upcoming event to commemorate OCOM's 25th anniversary on Sunday, October 5th, 2008. Mr. Gaeta extended a personal invitation to all Committee members to attend. The celebration will include a reflection of the past 25 years, an acknowledgement of milestones, and visions of the future.

Approve Acupuncture Advisory Committee Minutes of the March 14, 2008 Teleconference Meeting

It was moved and seconded that:

The Acupuncture Advisory Committee recommends the Oregon Medical Board approve the minutes of the March 14, 2008 teleconference meeting.

Approve Acupuncture Advisory Committee Minutes of the June 18, 2008 Conference Call

It was moved and seconded that:

The Acupuncture Advisory Committee recommends the Oregon Medical Board approve the minutes of the June 18, 2008 conference call.

Approval of Acupuncturists as Clinical Supervisors

Charles Rothschild Lev, AC00746

Laura E. Ocker, AC00738

Tsuey-Hwa Lai, AC00773

Frank Gemmato, AC00060

Karen Rebecca Sobin, AC01199

It was moved and seconded that:

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

Richard W. Detroye, AC00389

It was moved and seconded that:

The Acupuncture Advisory Committee recommends the Oregon Medical Board approve the above acupuncturist as a Clinical Supervisor.

Diane Miller, MD, abstained.

Approval of Visiting Acupuncturists

Visiting Acupuncturist	Emilie, D. Connor, PT, LAc, Connecticut License #000036
Program Description	Oregon College of Oriental Medicine
Dates	March 8-9, 2008
Name of Responsible Oregon Acupuncturist	Laura Santi, LAc, AC00248

Visiting Acupuncturist	Richard Tan, LAc, California License #AC 3491
Program Description	Oregon College of Oriental Medicine
Dates	April 26-27, 2008
Name of Responsible Oregon Acupuncturist	Laura Santi, LAc, AC00248

Visiting Acupuncturist	Wei Liu, LAc, Minnesota License #1085
Program Description	Oregon College of Oriental Medicine Doctoral Degree Program
Dates	September 12-15, 2008
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 as visiting acupuncturists.

Review Application for Licensure, Client #36939

Client #36939 has not worked as an acupuncturist for the last 6 years.

It was moved and seconded that:

The Acupuncture Advisory Committee recommends the Oregon Medical Board approve the license of client #36939 with the condition of satisfactory completion of a 100 hour mentorship under the supervision of a Board approved clinical supervisor. This mentorship is to be completed within a six month period of time.

Review Application for Reactivation of License, AC01007

Licensee graduated in June of 2006 and was approved for licensure in October 2006 in Oregon. Licensee has not practiced acupuncture since obtaining the license.

It was moved and seconded that:

The Acupuncture Advisory Committee recommends the Oregon Medical Board reactivate license number AC01007 with the condition of satisfactory completion of a 20 hour mentorship under the supervision of a Board approved clinical supervisor.

Ellen Goldsmith, LAc, recused.

Information Security Policy

Committee members were asked to review the OMB Information Security Policy and sign a statement acknowledging that they had read and understood the policy.

First Review of Administrative Rules

Exhibit A

847-070-0019 Interview and Examination

847-070-0020 Regulation of Activities of Acupuncturists

847-070-0045 Inactive Registration, and Reactivation from Inactive to Active

Committee members noted that there would be no negative fiscal impact from the proposed changes to OAR 847-070-0019 and -0045, changing the allowable time out of practice from 12 to 24 months, and requiring a 20 hour mentorship for applicants and licensees who have been out of practice for months or more; and 847-070-0020, allowing for the use of the title "doctor of acupuncture and oriental medicine" by individuals who have graduated from an accredited doctoral degree program in Acupuncture and Oriental Medicine. The Committee moved the above changes forward to the OMB for review.

ACTION PLAN: Post information on the website for recent acupuncture graduates regarding the requirement for a mentorship if there is a significant lapse in time between their graduation and their application for licensure.

Alternate Pathway Rule Revision

Staff presented information to the Committee regarding the recent rule revision to 847-070-0016(3)(c). Under the revised rule, applicants who have graduated from a non-accredited program prior to 1989 and apply under this rule have no western medicine requirements for licensure in the State of Oregon. Committee members recommended language be added to the rule to clarify that applicants for licensure who graduated from a non-accredited program prior to 1989 are not required to meet any western medicine requirements.

ACTION PLAN: Draft rule change to clarify that applicants for licensure who graduated from a non-accredited program prior to 1989 are not required to meet any western medicine requirements.

Approval of Future Meeting Dates

Committee members approved a shift in the bi-annual meeting dates of the Committee from March and September to June and December. The next two meetings will be held on the following dates:

December 5, 2008
June 12, 2009

Public Comment Session

Hilary Laferriere, LAc, announced the unification of the Oregon Acupuncture Association (OAA) and the Acupuncture and Oriental Medicine Society of Oregon (AOMSO) into a new organization, the Oregon Association of Acupuncture and Oriental Medicine (OAAOM). Malvin Finkelstein, LAc, added that the OAAOM has a good functional structure that will accommodate the size of the membership.

Michael Gaeta thanked the Committee for the opportunity to attend the Committee Meeting.

Other Business

The second term of Ellen Goldsmith, LAc, is due to expire June 30, 2009. Potential candidates need to be recruited now so that they may be interviewed at the June 12, 2009 meeting. Malvin Finkelstein, LAc, requested that this vacancy be posted in the newsletter of the OAAOM when it is published.

ACTION PLAN: Staff to post the vacancy and a description of duties of Committee members on the OMB's website, and distribute the description of duties to Committee members.

The meeting was adjourned at 2:10 p.m.

OREGON ADMINISTRATIVE RULES
CHAPTER 847, DIVISION 070 – OREGON MEDICAL BOARD
PROPOSED RULES CHANGES – OCTOBER 2008
FIRST REVIEW BY THE BOARD

Proposed rule amendments increase the allowable amount of time out of practice after which the Board may require the applicant/licensee to demonstrate current clinical competency, and establish a minimum of a 20-hour mentorship as one possible requirement to demonstrate current competency. Proposed amendment also clarifies that an acupuncturist who has completed a doctoral degree in Acupuncture and Oriental Medicine may identify him/herself as a “doctor of acupuncture and oriental medicine.”

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)~~] **twenty-four (24)** 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~~] **complete a mentorship of no less than 20 hours under a Board approved clinical supervisor who must individually supervise the applicant. The clinical supervisor must report the successful completion of the mentorship to the Board.**

(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).

847-070-0020

Regulation of Activities of Acupuncturists

(1) An individual other than a physician who is not authorized by the Board to engage in the practice of acupuncture shall not administer acupuncture treatment to any other individual.

(2) An acupuncturist shall report promptly to the referring physician, if requested, the method of acupuncture treatment and the results of such treatment together with such other information as the referring physician requires to maintain the records regarding acupuncture treatment.

(3) An acupuncturist must clearly indicate that he/she is an acupuncturist to individuals being treated. The acupuncturist must wear a name tag with the designation "**Acupuncturist**" thereon when practicing in a hospital or clinic setting where other health care providers practice.

Acupuncturists are not required to wear name tags in a private practice setting.

(4) An acupuncturist shall not [~~identify him/herself as a "doctor" or use any contraction in connection therewith, or~~] represent him/herself as a physician or permit another to so represent him/her.

(5) An acupuncturist who has completed a program that leads to a doctoral degree in Acupuncture and Oriental Medicine from a school that has federally recognized accreditation may identify him/herself as a “doctor of acupuncture and oriental medicine.”

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]~~ **24** or more consecutive months, the Board in its discretion may require the ~~[acupuncturist]~~ **licensee** 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]~~ **licensee** has ceased practice prior to application for **reactivation of** 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.~~] **Complete a mentorship of no less than 20 hours under a Board approved clinical supervisor who must individually supervise the licensee. The clinical supervisor must report the successful completion of the mentorship to the Board.**