



Oregon

Kate Brown, Governor

Oregon Medical Board

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Approved by Board January 8, 2016

**ACUPUNCTURE ADVISORY COMMITTEE
MEETING AGENDA
BOARD OFFICE/WORKING LUNCH**

December 4, 2015

Noon

Committee Members:

Brynn Graham, LAc, Chair

Lena Kuo, MD

Charlotte Lin, MD

Siamak Shirazi, LAc

Laura Ocker, LAc

Staff:

Kathleen Haley, JD, Executive Director

Joseph Thaler, MD, Medical Director

Nicole Krishnaswami, JD, Operations & Policy Analyst

Netia N. Miles, Licensing Manager

Shayne J. Nylund, Committee Coordinator

Guests Present:

Malvin Finkelstein, LAc, *Oregon Association of Acupuncture and Oriental Medicine (OAAOM)*

Beth Howlett, LAc, *President, OAAOM*

Stephen Kafoury, *OAAOM*

Ms. Graham called the meeting to order at 12:02 p.m.

Ms. Graham to announce that pursuant to ORS 192.660(2)(f) and ORS 192.660(2)(L), the Acupuncture Advisory Committee of the Oregon Medical Board (OMB) may convene in Executive Session to consider information or records that are exempt by law from public inspection or information obtained as part of an investigation, including information received in confidence by the Board and Acupuncture Advisory Committee, information of a personal nature the disclosure of which would constitute an invasion of privacy, and records which are otherwise confidential under Oregon law. The Acupuncture Advisory Committee will reconvene in Public Session prior to taking any final action. Members of the news media may remain in the room during the Executive Session, but are directed not to report on the specific information discussed during the Executive Session.

EXECUTIVE SESSION

1	Investigative Update from Eric Brown, Chief Investigator	Graham
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Mr. Brown updated the Committee on licensees currently under investigation.

COMMITTEE RECOMMENDATION: Informational item only. No action taken

APPLICANT REVIEW

1	Entity ID: 1029773	Shirazi
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COMMITTEE RECOMMENDATION: The Committee recommended staff obtain additional information from the applicant. If the information received doesn't contain any adverse information, then the Committee recommended granting the applicant an unlimited license. Forward to the full Board for review.

PUBLIC SESSION

OREGON ADMINISTRATIVE RULES (OAR)

3	OAR 847-070-0021: Acupuncture Needles	FINAL REVIEW	Shirazi
The new rule requires Oregon-licensed acupuncturists to follow clean needle technique and use only disposable, single-use acupuncture needles.			

Mr. Shirazi stated the majority of people who have provided comments from the acupuncture community support the proposed rule. However, he acknowledged that there are some concerns regarding the rule language as it could potentially put limitations on one's practice. Ms. Graham asked if other states currently have a disposable, single-use acupuncture needle rule in place. Nicole Krishnaswami, Operations & Policy Analyst, stated no specific language could be found for other states. Mr. Shirazi asked Mrs. Haley if they could have one standard for physicians who practice acupuncture and another for acupuncturists. She advised against it.

Ms. Ocker asked if there were infection control rules in place for other professions licensed by the Board. Dr. Thaler answered there are no other current Board rules regarding infection control practices among physicians because it is considered the standard of care. Dr. Lin stated her medical clinic completes blood borne pathogen training annually.

Ms. Ocker stated more acupuncturists need to be informed about the standards of care, and there should be educational resources available. She noted that if acupuncturists have access to this kind of information, then a clean needle rule may not be necessary. As this hasn't been identified as a current public safety concern, the Committee agreed that it didn't want to potentially restrict the practice of acupuncture. Therefore, the Committee agreed not to move forward with a permanent rulemaking change. Instead, the Oregon Medical Board will publish an article in the quarterly newsletter. Beth Howlett from the Oregon Association of Acupuncture and Oriental Medicine stated the association would also provide some resources to the acupuncture community.

As this hasn't been identified as a current public safety concern, the Committee agreed that it didn't want to potentially restrict the practice of acupuncture. Therefore, the Committee agreed not to move forward with a permanent rulemaking change. Instead, the Oregon Medical Board will publish an article in the quarterly newsletter. Beth Howlett from the Oregon Association of Acupuncture and Oriental Medicine stated the association would also provide some resources to the acupuncture community.

COMMITTEE RECOMMENDATION: Ms. Ocker made a motion to not adopt OAR 847-070-0021, which would have required Oregon-licensed acupuncturists to follow clean needle technique and use only disposable, single-use acupuncture needles. Dr. Lin seconded the motion. The motion unanimously passed.

DISCUSSION ITEMS

4	Infection Control Practices	Graham
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The Committee asked to discuss infection control practices at this meeting. The Committee referred to the previous discussion and stated that there is no mandatory training on infection control practices at this time; however, practitioners are required to follow the standard of care. Forward to the full Board for review.

Time Certain: 12:20 p.m.

5	Proposal for Rule Defining Oriental Massage per ORS 677.757: Presentation by Oregon Association of Acupuncture and Oriental Medicine (OAAOM)	Lin
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Beth Howlett, LAc, requested the Committee revise language to OAR 847-070-0005(1)(a)(B). She stated the rule as written doesn't accommodate all of the refinements of ICD-9 and ICD-10 and it affects how practitioners are able to bill and code for procedures applied to patients. She pointed out the modifier "Oriental" before the word "Massage" doesn't adequately define manual therapy acupuncture practices. As a result, practitioners are not able to bill for some practices that are within their scope of practice. Ms. Howlett stated the term Oriental Massage is an ill-defined, problematic term and requested the Committee consider revising the rule to define it; specifically the manual techniques it would cover.

Mr. Shirazi stated there may be concern from the Chiropractic Board as some modalities of massage, specifically Tuina and joint mobilization, are considered chiropractic modalities. He asked OAAOM if they have taken that into consideration. Ms. Howlett confirmed OAAOM has taken the question into consideration and pointed out it is not their intention for acupuncturists to perform chiropractic duties. Mr. Finkelstein stated the rule proposal is not a scope enhancement but a definition of what is already in the current practice. Ms. Krishnaswami asked if OAAOM has discussed this proposal with the chiropractic, massage therapy, and physical therapy associations. Mr. Kafoury stated that they expect to do so if the Committee will consider rulemaking to define Oriental massage.

Mr. Shirazi stated the Committee's job is to focus on public safety and asked how their proposed change aligns with the Committee and Board's mission. OAAOM stated the main motive is to fight insurance discrimination and allow manual therapy practices to be available to the public. They stated insurance code 97140 has been problematic for acupuncturists to bill as some insurance companies don't consider soft tissue mobilization and manipulation to be within the scope of acupuncture.

Mr. Finkelstein read OAAOM's proposal of revising current language to OAR 847-070-0005(1)(a)(B), which currently reads: *Oriental massage, exercise and related therapeutic methods* to read: *"Oriental massage" means methods of manual therapy and massage, including manual mobilization, manual traction and compression with or without manual implements as described in instructional programs and materials of Oriental or Asian health care.*

COMMITTEE RECOMMENDATION: The Committee recommended drafting a proposed revision to OAR 847-070-0005(1)(a)(B) and meeting over the phone for a first review toward the end of January 2015.

INFORMATIONAL ITEMS

6	Review of Board Approved Minutes from June 5, 2015	Graham
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COMMITTEE RECOMMENDATION: The Committee acknowledged the Board-approved minutes from June 5, 2015

7	Approved Needling Privileges for Visiting Acupuncturists	Kuo
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COMMITTEE RECOMMENDATION: The Committee reviewed the list of approved visiting acupuncturists.

8	Approved Clinical Supervisors	Lin
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COMMITTEE RECOMMENDATION: The Committee reviewed the list of approved clinical supervisors.

9	Future Committee and Board Meeting Dates	Graham
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COMMITTEE RECOMMENDATION: The Committee reviewed the upcoming meeting dates. No amendments were suggested. No action taken.

10	Public Comments	Graham
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Ms. Graham announced that Mr. Shirazi's last meeting as a Committee member will be on June 3, 2016. A posting for the open seat will be published on the OMB website and newsletter in early 2016. There were no further public comments.

ADJOURN at 2:03 p.m.