

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form

FILED
10-13-15 2:23 PM
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<u>Oregon Medical Board</u>	847
Agency and Division	Administrative Rules Chapter Number
<u>Nicole Krishnaswami</u>	(971) 673-2667
Rules Coordinator	Telephone
<u>Oregon Medical Board, 1500 SW 1st Ave., Suite 620, Portland, OR 97201</u>	
Address	

RULE CAPTION

Acupuncturists must use single-use, disposable acupuncture needles and follow clean needle technique standards

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
12-4-15	12:00 p.m.	Oregon Medical Board, 1500 SW 1st Ave., #602, Portland, OR 97201	Kathleen Haley

11:00 a.m.

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT: ~~OAR 847-070-0021~~

AMEND:

~~OAR 847-070-0021~~

REPEAL:

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 677.265, 677.759

Other Authority:

Statutes Implemented:

ORS 677.757, 677.759, 677.785

RULE SUMMARY

The proposed new rule requires Oregon-licensed acupuncturists to follow clean needle technique standards and use only disposable, single-use acupuncture needles.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

<u>12-04-2015 12:00 p.m.</u>	<u>Nicole Krishnaswami</u>	<u>nicole.krishnaswami@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Rules Coordinator Name	Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State
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Agency and Division

Administrative Rules Chapter Number

Acupuncturists must use single-use, disposable acupuncture needles and follow clean needle technique standards

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

OAR 847-070-0021, the proposed new rule requires Oregon-licensed acupuncturists to follow clean needle technique standards and use only disposable, single-use acupuncture needles.

Statutory Authority:

ORS 677.265, 677.759

Other Authority:

Statutes Implemented:

ORS 677.757, 677.759, 677.785

Need for the Rule(s):

Clean needle technique standards are nationally recognized, evidence-based best practices for acupuncture needle safety. The Clean Needle Technique Manual is published by the Council of Colleges of Acupuncture and Oriental Medicine in consultation with OSHA and the CDC.

Documents Relied Upon, and where they are available:

ORS Chapter 677, available at https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors677.html.
OAR Chapter 847, available at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_847/847_tofc.html.
Clean Needle Technique Manual, available at <http://www.ccaom.org/cntmanual.asp>.

Fiscal and Economic Impact:

No state agencies or units of local government will be economically affected. Acupuncturists who currently use reusable needles would be required to replace their existing supplies with single-use, disposable needles. However, after research and inquiries into acupuncture institutions and associations, Oregon Medical Board staff and Acupuncture Advisory Committee members could not identify any current Oregon-licensed acupuncturists who still use reusable needles in the practice of acupuncture. A rulemaking hearing will be held to gather additional input from the community to determine the impact on Oregon-licensed acupuncturists.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

None

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

Unknown. After research and inquiries with acupuncture institutions and associations, Oregon Medical Board staff and Acupuncture Advisory Committee members could not identify any current Oregon-licensed acupuncturists who still use reusable needles in the practice of acupuncture. A rulemaking hearing will be held to gather additional input from the community to determine the impact on Oregon-licensed acupuncturists.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

None

c. Equipment, supplies, labor and increased administration required for compliance:

Unknown. After research and inquiries with acupuncture institutions and associations, Oregon Medical Board staff and Acupuncture Advisory Committee members could not identify any current Oregon-licensed acupuncturists who still use reusable needles in the practice of acupuncture. A rulemaking hearing will be held to gather additional input from the community to determine the impact on Oregon-licensed acupuncturists.

How were small businesses involved in the development of this rule?

Members of the Acupuncture Advisory Committee and members of the Board who were consulted in the development of the rule represent small businesses. The rule was reviewed by the Acupuncture Advisory Committee of the Board on June 5, 2015, as well as the full Board at its quarterly meeting on July 10, 2015.

Administrative Rule Advisory Committee consulted?: Yes
If not, why?:

<u>12-04-2015 12:00 p.m.</u>	<u>Nicole Krishnaswami</u>	<u>nicole.krishnaswami@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

OREGON ADMINISTRATIVE RULES

CHAPTER 847, DIVISION 070 – OREGON MEDICAL BOARD

FIRST REVIEW – JULY 2015

The proposed **new** rule requires Oregon-licensed acupuncturists to follow clean needle technique and use only disposable, single-use acupuncture needles.

847-070-0021

Acupuncture Needles

(1) A licensed acupuncturist must follow clean needle technique standards.

(2) Needles inserted to stimulate specific points on the surface of the body must be disposable, single use, filiform acupuncture needles.

Stat. Auth.: ORS 677.265, 677.759

Stats. Implemented: ORS 677.757, 677.759, 677.785