Acupuncture mentors and clinical supervisors

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

RULE CAPTION

Acupuncture mentors and clinical supervisors

RULEMAKING ACTION

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

ADOPT:

AMEND:
847-070-0005, 847-070-0007, 847-070-0015, 847-070-0016, 847-070-0019, 847-070-0022, 847-070-0045

REPEAL:

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:
ORS 677.265, 677.756, 677.759

Other Authority:

Statutes Implemented:
ORS 677.175, 677.265, 677.275, 677.757, 677.759, 677.780

RULE SUMMARY
The rule amendments alphabetize the definitions, eliminate references to forms or printed photographs to reflect electronic submission of applications and required materials, renumber the subsections under the rule on qualifications for clarity, distinguish mentorships from clinical training by changing the terminology from “clinical supervisor” to “mentor” under the rules for demonstrating competency, and make general language and grammar housekeeping updates.

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847-070-0005

Definitions

As used in the rules regulating the practice of acupuncture:

(1) "Acupuncture" means an Oriental health care practice used to promote health and to treat neurological, organic or functional disorders by the stimulation of specific points on the surface of the body by the insertion of needles. "Acupuncture" includes the treatment method of moxibustion, as well as the use of electrical, thermal, mechanical or magnetic devices, with or without needles, to stimulate acupuncture points and acupuncture meridians and to induce acupuncture anesthesia or analgesia.

(a) The practice of acupuncture also includes the following modalities as authorized by the Oregon Medical Board [for the State of Oregon]:

(A) Traditional and modern Oriental Medical and acupuncture techniques of diagnosis and evaluation;

(B) Oriental massage, exercise and related therapeutic methods; and

(C) The use of Oriental pharmacopoeia, vitamins, minerals and dietary advice.

[(2) "Licensed Acupuncturist" means an individual authorized by the Board to practice...]

acupuncture pursuant to ORS Chapter 677.

(2) "Board" means the Oregon Medical Board for the State of Oregon.

(3) "Clinical training" means supervised clinical training which consists of diagnosis and actual patient treatment which includes insertion of acupuncture needles.

(4) "Committee" means the Acupuncture Advisory Committee.

(5) "Licensed Acupuncturist" means an individual authorized by the Board to practice acupuncture pursuant to ORS Chapter 677.

(6) "Physician" means an individual licensed to practice medicine pursuant to ORS Chapter 677.

"Clinical training" means supervised clinical training which consists of diagnosis and actual patient treatment which includes insertion of acupuncture needles.

Stat. Auth.: ORS 677.265, 677.759
Stats. Implemented: ORS 677.265, 677.757, 677.759, 677.780

847-070-0007

Practice of Acupuncture [by Physicians]

(1) No person may practice acupuncture without first obtaining a license to practice medicine and surgery or a license to practice acupuncture from the Oregon Medical Board for the State of Oregon.

(2) A physician who desires to be approved as a clinical supervisor must meet the requirements of OAR 847-070-0015.

Stat. Auth.: ORS 677.265, 677.756, 677.759
Stats. Implemented: ORS 677.759
Application

(1) Every applicant must satisfactorily complete an application [on forms provided by the Board] and document evidence of qualifications listed in OAR 847-070-0016 to the satisfaction of the Board. Such application and documentation must be complete before an applicant may be considered eligible for licensure.

(2) False documentation is grounds for denial of licensure or disciplinary action by the Board.

(3) An applicant applying for licensure under these rules who has not completed the licensure process within a 12 month consecutive period [shall] **must** file a new application, documents, letters and pay a full filing fee as if filing for the first time.

(4) No applicant [shall be] **is** entitled to licensure who:

   (a) Has had his/her license or certificate revoked or suspended in this or any other state unless the said license or certificate has been restored or reinstated and the applicant’s license or certificate is in good standing in the state which had revoked the same;

   (b) Has been refused a license or certificate in any other state on any grounds other than failure in an acupuncture licensure examination; or

   (c) Has been guilty of conduct similar to that which would be prohibited by or to which ORS 677.190 would apply.

Stat. Auth.: ORS 677.265, 677.759

Stats. Implemented: ORS 677.759 [(3) & (5)]
Qualifications

(1) An applicant for licensure as an acupuncturist [in the State of Oregon] must have [the following qualifications]:

[(1) Have] (a) Graduated from an acupuncture program that satisfies the standards of the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM), 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)] 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.

[(2)] (b) Current certification in acupuncture by the [National Certification Commission for Acupuncture and Oriental Medicine (N.C.C.A.O.M.)] NCCAOM. An applicant [shall] will be deemed certified by the NCCAOM in Acupuncture if the applicant has passed the NCCAOM Acupuncture Certification Examinations[.] or has been certified through the NCCAOM Credentials Documentation Examination. The applicant has no more than four attempts to pass the NCCAOM Acupuncture Certification Examinations. If the applicant does not pass the
NCCAOM Certification Examinations within four attempts, the applicant is not eligible for licensure.

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

(a) Five years of licensed clinical acupuncture practice in the United States. This practice must include a minimum of 500 acupuncture patient visits per year. Documentation must include:

(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

(B) 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] Practice 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) Successful completion of the ACAOM western medicine requirements in effect at the time of graduation from the acupuncture program, unless the applicant graduated from a non-accredited acupuncture program prior to 1989; and

(d) Current certification in acupuncture by the NCCAOM. An applicant will be deemed certified in Acupuncture by the NCCAOM if the applicant has passed the NCCAOM Acupuncture Certification Examinations[3] or has been certified through the NCCAOM Credentials Documentation Examination. The applicant has no more than four attempts to pass the NCCAOM
Acupuncture Certification Examinations. If the applicant does not pass the NCCAOM Certification Examinations within four attempts, the applicant is not eligible for licensure.

[(4)] (3) An individual whose acupuncture training and diploma were obtained in a foreign country and who cannot document the requirements of subsections (1) [through (3)] or (2) 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.

[(5)] (4) In addition to meeting the requirements in (1), (2), (3), or (4) of this rule, all applicants for licensure must have the following qualifications:

(a) Licensure in good standing from the state or states of all prior and current health related licensure; and

(b) Have good moral character as those traits would relate to the applicant's ability [of] properly [engaging] engage 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 NCCAOM 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 NCCAOM Credentials Documentation Examination must also have passed an English proficiency examination.

Stat. Auth.: ORS 677.265, 677.759
Interview and Examination

(1) In addition to all other requirements for licensure, the Board may require an applicant to appear for a personal interview regarding information received in the application process. Unless excused in advance, failure to appear before a Committee of the Board for a personal interview violates ORS 677.190(17) and may subject the applicant to disciplinary action.

(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 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.] Obtain certification or re-certification in Acupuncture or Oriental Medicine by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM);

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

(c) Provide documentation of current NCCAOM Acupuncture certification[.]

(d) [Document Complete] 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 NCCAOM’s recertification requirements would qualify as Board-approved continuing education[.]

(e) [As a condition of licensure.] Complete a mentorship of [no less than] at least 20 hours under a Board-approved [clinical supervisor] mentor who must individually supervise the
applicant. The [clinical supervisor] **mentor** must report the successful completion of the mentorship to the Board.

(3) An applicant [shall be required to] **must** pass an open-book examination on the Medical Practice Act (ORS chapter 677) and Oregon Administrative Rules (OAR chapter 847, division 070).

Stat. Auth.: ORS 677.265, 677.759

Stats. Implemented: ORS 677.175, 677.759

847-070-0022

**Documents to be Submitted for Licensure**

The documents submitted must be **legible and** no larger than 8 ½" x 11". All documents and photographs 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. **Official translations are required for documents issued in a foreign language.** 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 dates, showing month and year.] **Required dates must include month, day and year.**

(2) Birth Certificate: A copy of birth certificate [for proof of name and birth date] and 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[\textsuperscript{7}] for those applicants who qualify under OAR 847-070-0016(1).
(4) Photograph: A close-up, [finished, original] **passport-quality** 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].

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

(6) A letter from the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) verifying current certification in acupuncture by the NCCAOM[,] for those applicants who qualify under OAR 847-070-0016(1) or (2).

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

(8) 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.

Stat. Auth.: ORS 677.265, 677.759
Stats. Implemented: ORS 677.275, 677.759

847-070-0045

**Inactive Registration and Re-Entry to Practice**

(1) Any acupuncturist licensed in this state 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 must file an Affidavit of Reactivation and pay a processing fee, satisfactorily complete the reactivation process and be approved by the Board before beginning active practice in Oregon.

(3) The Board may deny active registration if it judges the conduct of the acupuncturist during the period of inactive registration to be such that the acupuncturist would have been denied a license if applying for an initial license.

(4) If an acupuncturist applicant has ceased practice for a period of 24 or more consecutive months immediately preceding the application for licensure or reactivation, the applicant may be required to do one or more of the following:

(a) Obtain certification or re-certification in Acupuncture or Oriental Medicine by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM);

(b) Provide documentation of current NCCAOM Acupuncture or Oriental Medicine certification;

(c) Complete 15 hours of continuing education acceptable to the Board for every year the applicant has ceased practice;

(d) Complete a mentorship of at least 20 hours under a Board-approved [clinical supervisor] mentor who must individually supervise the licensee. The [clinical supervisor] mentor must report the successful completion of the mentorship to the Board.

(5) The acupuncturist applicant who has ceased practice for a period of five or more consecutive years may be required to complete a re-entry plan to the satisfaction of the Board. The re-entry plan must be reviewed and approved through a Consent Agreement prior to the applicant beginning the re-entry plan. Depending on the amount of time out of practice, the re-entry plan may contain one or more of the requirements listed in section (4) of this rule and such additional requirements as determined appropriate by the Board.
Stat. Auth.: ORS 677.265, 677.759

Stats. Implemented: ORS 677.175, 677.759