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**IDAPA 24
TITLE 17
CHAPTER 01**

24.17.01 - RULES OF THE STATE BOARD OF ACUPUNCTURE

000. LEGAL AUTHORITY (RULE 0).

These rules are hereby prescribed and established pursuant to the authority vested in the State Board of Acupuncture by the provisions of Section 54-4705, Idaho Code. (3-10-00)

001. TITLE AND SCOPE (RULE 1).

01. Title. These rules shall be cited as IDAPA 24.17.01, "Rules of the State Board of Acupuncture". (3-10-00)

02. Scope. These rules review and establish the minimum requirements for licensure/certification of acupuncturists. (3-10-00)

002. WRITTEN INTERPRETATIONS (RULE 3).

The Board may, from time to time, issue written statements pertaining to the interpretation of the rules of this chapter. Such interpretations, if any, shall be available for public inspection and copying, at cost, in the main office of the Bureau of Occupational Licenses. (3-10-00)

003. ADMINISTRATIVE APPEALS (RULE 4).

Administrative Appeals shall be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. (3-10-00)

004. INCORPORATION BY REFERENCE (RULE 4).

These rules do not incorporate by reference any document other than those sections of Idaho Code so referenced. (5-3-03)

005. ADDRESS OF THE IDAHO STATE BOARD OF ACUPUNCTURE (RULE 5).

The office of the Board of Acupuncture is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main St., Suite 220, Boise, ID 83702. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is acu@ibol.state.id.us. The Board's official web site is at <http://www.ibol.idaho.gov/acu.htm>. (4-6-05)

006. PUBLIC RECORDS (RULE 6).

The records associated with the Board of Acupuncture are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (5-3-03)

007. -- 009. (RESERVED).

010. DEFINITIONS (RULE 10).

01. Board. The State Board of Acupuncture as prescribed in Section 54-4704, Idaho Code. (3-10-00)

02. Technician Certificate. The category of license granted to a qualified applicant who meets the requirements pursuant to Section 54-4708, Idaho Code. (3-30-01)

03. Certification. The category of license granted to a qualified applicant who meets the requirements pursuant to Section 54-4707, Idaho Code. (3-30-01)

04. License. Any license, certification or technician certificate issued to a qualified applicant pursuant to IDAPA 24.17.01, "Rules of the State Board of Acupuncture," promulgated by the Board, permitting said applicant to practice acupuncture in the state of Idaho. (3-10-00)

05. Practitioner. A person to whom a license, certification or technician certificate has been issued

pursuant to Title 54, Chapter 47, Idaho Code. (3-30-01)

06. Licensure/Licensed. The category of license granted to a qualified applicant who meets the requirements pursuant to Section 54-4706, Idaho Code. (3-30-01)

07. Approved Acupuncture Program. A formal full-time acupuncture educational program that has met the standards of the Accreditation Commission for Acupuncture and Oriental Medicine or an equivalent educational body. An acupuncture program may be established as having satisfied this requirement by obtaining: (3-30-01)

a. Accreditation; or (3-30-01)

b. Candidacy for accreditation; or (3-30-01)

c. An equivalent evaluation performed by a private, state government, or foreign government agency recognized for that purpose by the NCCAOM (National Certification Commission for Acupuncture and Oriental Medicine) Eligibility Committee. (3-30-01)

08. Didactic Course Work. Educational instruction in acupuncture that is physically obtained in a classroom or laboratory setting, and when such instruction is obtained from, and in the presence of, a person credentialed as a qualified educator of acupuncture. (3-30-01)

09. Clinical Practice. Practical experience in acupuncture that is physically obtained in a health care facility in order to meet the minimum requirements for licensure or certification. (3-30-01)

10. Bureau. The Bureau of Occupational Licenses as prescribed in Sections 54-4705 and 67-2602, Idaho Code. (5-3-03)

011. -- 099. (RESERVED).

100. APPLICATIONS (RULE 100). Applications for licensure, certification and technician certificate shall be on forms approved by the Board. (5-3-03)

101. -- 199. (RESERVED).

200. QUALIFICATIONS FOR LICENSURE (RULE 200).

01. Requirements for Licensure. Applicants for licensure shall submit a complete application, required fee, and official certified documentation of either: (3-30-01)

a. Certification from NCCAOM; or (5-3-03)

b. Graduation from an approved formal full-time acupuncture program of at least one thousand seven hundred twenty-five (1,725) hours of entry-level acupuncture education which includes a minimum of one thousand (1000) hours of didactic course work and five hundred (500) clinical hours practice; and (3-30-01)

c. Successful completion of an acupuncture internship, or other equivalent experience as approved by the Board; and (3-30-01)

d. Receipt of a passing grade on an NCCAOM Acupuncture certification examination; or (3-30-01)

e. Other demonstration of proficiency as uniformly required by the Board for other similarly qualified applicants for licensure; and (3-30-01)

f. Successful completion of a Blood Borne Pathogen course and comprehensive examination that incorporates clean needle techniques and OSHA procedures and requirements. (3-30-01)

02. Requirements for Certification. Applicants for certification shall submit a complete application, required fee and official certified documentation of either: (3-30-01)

a. Successful completion of the requirements for full membership of the American Academy of Medical Acupuncture or fellowship of the International Academy of Medical Acupuncture, Inc.; or (3-30-01)

b. Successful completion of a minimum of one hundred (100) hours of didactic course work, two hundred (200) hours of practice as a certified technician over a one (1) year period, twenty-five (25) case studies; and (3-30-01)

c. Receipt of a passing grade on a board approved examination that measures minimum competency; or (3-30-01)

d. Other demonstration of proficiency as uniformly required by the Board for other similarly qualified applicants for certification; and (3-10-00)

e. Successful completion of a Blood Borne Pathogen course and comprehensive examination that incorporates clean needle techniques and OSHA procedures and requirements. (3-30-01)

03. Requirements for Acupuncture Technician Certificate. Applicants for Acupuncture technician Certificate shall submit a complete application, required fee, and official certified documentation of either: (3-30-01)

a. Successful completion of the requirements for clinical technician certificate from the International Academy of Medical Acupuncture, Inc.; or (3-10-00)

b. Successful completion of a minimum of one hundred (100) hours of didactic course work within one (1) academic year; and (3-30-01)

c. Successful completion of a Blood Borne Pathogen course and comprehensive examination that incorporates clean needle techniques and OSHA procedures and requirements; and (3-30-01)

d. Receipt of a passing grade on a board approved examination leading to an Acupuncture Technician Certificate, or other demonstration of proficiency as may be uniformly required for other similarly qualified applicants as approved by the Board. (3-30-01)

201. -- 225. (RESERVED).

226. REQUEST FOR APPROVAL OF QUALIFICATION (RULE 226).

01. Course Review. A person or entity may request approval of a course of study in acupuncture that will be offered to qualify applicants for a credential to practice acupuncture. The request shall include a complete description of the required hours, scope and extent of academic and other training and clinical experience offered through the course along with appropriate supporting documentation and course materials. The request shall also designate whether approval is sought for compliance with standards for licensure, certification or technician certificate. (3-10-00)

02. Individual Qualification. An applicant may request approval of his individual qualification for licensure or certification in acupuncture. The request shall include a complete description of the number of hours, scope and extent of academic and other training and clinical experience the individual has received along with available supporting documentation. The request shall also designate whether qualification is sought for licensure, certification or technician certificate. A demonstration of proficiency or examination may be required as a part of the determination of the individual's qualification. (3-10-00)

227. -- 299. (RESERVED).

300. FEES (RULE 300).

- 01. Application Fee.** Application fee for any original license or certification – two hundred fifty dollars (\$250). (3-30-01)
- 02. Original License Fee.** (3-30-01)
- a.** Original license fee - two hundred fifty dollars (\$250). (3-10-00)
- b.** Original fee for Certification - two hundred fifty dollars (\$250). (3-30-01)
- c.** Original fee for Technician Certification - one hundred fifty dollars (\$150). (3-30-01)
- 03. Annual Renewal Fee.** (3-10-00)
- a.** Annual renewal fee for Licensure – two hundred fifty dollars (\$250). (3-10-00)
- b.** Annual renewal fee for Certification – two hundred fifty dollars (\$250). (3-10-00)
- c.** Annual renewal fee for Technician Certification – one hundred fifty dollars (\$150). (3-10-00)
- 04. Inactive License.** Inactive license or certification fee – fifty dollars (\$50). (3-30-01)
- 05. Non-refundable.** All fees are non-refundable. (3-10-00)
- 06. Yearly Fees.** With the exception of Subsection 300.01 and 300.02 all fees provided under these rules are yearly fees. (3-10-00)

301. RENEWAL OR REINSTATEMENT OF LICENSE (RULE 301).

01. Expiration Date. All Acupuncture licenses and certificates expire and must be renewed annually on forms approved by the Board in accordance with Section 67-2614, Idaho Code.. Licenses and certificates not so renewed will be cancelled in accordance with Section 67-2614, Idaho Code. (5-3-03)

02. Reinstatement. Any license or certificate cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code, with the exception that the reinstatement fee shall be two hundred fifty dollars (\$250) and the applicant shall submit proof of having met the required continuing education for each year the license or certificate was cancelled. (5-3-03)

302. RENEWAL REQUIREMENT (RULE 302).

- 01. Active Status.** Each renewal application must be accompanied by: (3-10-00)
- a.** The established fee; and (3-10-00)
- b.** Beginning July 1, 2004, certification of having attended and completed a minimum of fifteen (15) hours of acupuncture study or oriental medical theory and techniques within the previous twelve (12) months, as approved by the Idaho Board of Acupuncture. (3-20-04)
- c.** Compliance with the continuing education (CE) requirements for licensees shall be reported annually. A CE course taken in any renewal year, but not claimed for CE credit in that year, may be utilized for credit in the following renewal year. (5-3-03)

02. Inactive Status. A currently licensed or certified practitioner may request in writing to have their license placed on inactive status and pay the inactive status fee. Such request must be made prior to the expiration date of the license, otherwise the license shall be deemed cancelled for failure to renew. (5-3-03)

03. Definition of Inactive Status. “Inactive” status means an Idaho Acupuncture license that may be made active by paying the renewal fee. Until payment of said fee, such individual may not practice acupuncture in the

state of Idaho.

(5-3-03)

04. Waiving Continuing Education Requirements. All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing in Idaho. Inactive license renewal notices and licenses will be marked “Inactive”. A licensee desiring active status must show acceptable fulfillment of continuing educational requirements for the current year and submit a fee equivalent to the difference between the inactive and active renewal fee. The continuing educational requirement and the fees will not be prorated for a partial year. (5-3-03)

303. -- 304. (RESERVED).

305. CONTINUING EDUCATION (RULE 305).

In order to further protect the public health and to facilitate the administration of the Acupuncture Act, the Board has formulated the following rules: (5-3-03)

01. Subject Material. The subject material of the continuing education requirement shall be germane to the practice of acupuncture and; (5-3-03)

a. Accepted by NCCAOM, offered by accredited schools of acupuncture and oriental medicine, or otherwise approved by the Board. (5-3-03)

b. “Germane to the practice of acupuncture” shall be consistent with Section 54-4702(1)(4), Idaho Code. (5-3-03)

02. Verification of Attendance. It shall be necessary for each licensee to maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any hours attended by the applicant. This verification shall be maintained by the licensee for no less than seven (7) years and provided to the Board upon the request of the Board or its agent. (5-3-03)

03. Distance Learning and Independent Study. The Board may approve a course of study for continuing education credit that does not include the actual physical attendance of the applicant in a face-to-face setting with the course instructor. Distance Learning or Independent Study courses shall be eligible for continuing education credits if approved by NCCAOM or upon approval of the Board. (4-6-05)

04. Requests for Approval. All requests for approval or pre-approval of educational programs must be made to the Board in writing, and must be accompanied by a statement that includes the name of the instructor or instructors, the date and time and location of the course, the specific agenda for the course, the number of continuing education credit hours requested, and a statement of how the course is believed to be pertinent to the practice of acupuncture. (5-3-03)

05. Special Exemption. The Board shall have authority to make exceptions for reasons of individual hardship, including health (certified by a medical doctor) or other good cause. The licensee must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board. (4-6-05)

306. -- 399. (RESERVED).

400. SCOPE OF PRACTICE OF ACUPUNCTURE (RULE 400).

The Board recognizes that the practice of acupuncture is widely utilized as a treatment modality and that acupuncture may be appropriately and effectively utilized within various disciplines. The Board also finds that regulation of the scope of practice for practitioners is appropriate to protect the health, safety and welfare of the people of Idaho. Upon being granted a license or certification to practice acupuncture, a practitioner is authorized to provide only acupuncture services and treatments for which that practitioner has been appropriately trained and prepared by Board approved education or practical experience. Information contained within the application or otherwise included in the credential file maintained by the Board for that practitioner shall be prima facie evidence of the practitioner’s education and experience. It is the responsibility of the individual practitioner to ensure that the information in his credential file is accurate, complete and supplemented timely. (3-30-01)

401. RECORDS (RULE 401).

A practitioner shall keep accurate records of each patient the practitioner treats. The records shall include the name of the patient, the indication and nature of treatment given, and any other relevant data deemed important by the practitioner. Records shall be kept on file for a minimum of five (5) years and shall be open to inspection at any time by the Board or its duly authorized representative and shall be made available to the patient on request. (3-10-00)

402. -- 499. (RESERVED).

500. USE OF BUSINESS NAME OR TRADE NAME (RULE 500).

A business name or trade name used by a practitioner shall be registered with the Board within thirty (30) business days from commencement of using such name. (3-30-01)

501. -- 524. (RESERVED).

525. DISPLAY OF LICENSE (RULE 525).

The license shall be conspicuously displayed in the office of the Practitioner. (3-10-00)

526. -- 550. (RESERVED).

551. CHANGE OF ADDRESS (RULE 551).

A practitioner shall notify the Board of any change of address within thirty (30) days of the change. (3-10-00)

552. -- 574. (RESERVED).

575. DISCIPLINE (RULE 575).

01. Civil Fine. The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensee for each violation of Section 54-4711, Idaho Code. (4-6-05)

02. Costs and Fees. The Board may order a licensee to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of Section 54-4711, Idaho Code. (4-6-05)

576. -- 999. (RESERVED).

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