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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, 700 W. State Street, Boise, Idaho 83702. The Bureau is open between the hours of 8:00 a.m. and 5:00 p.m. each day except Saturdays, Sundays and holidays. The telephone 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.idaho.gov. The Board's official website is http://www.ibol.idaho.gov. (3-29-10)

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 74, Chapter 1, 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 an individual as set forth in Section 54-4708A, Idaho Code. (3-21-12)

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 the laws and rules of the Board, permitting said applicant to practice acupuncture in the state of Idaho. (3-21-12)

05. Practitioner. A person to whom a license, certification, technician certificate, or acupuncture

trainee has been issued pursuant to Title 54, Chapter 47, Idaho Code. (3-21-12)

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)

11. Accredited College or University. An accredited college or university is a college or university accredited by an accrediting organization approved by the U.S. Department of Education. (4-2-08)

12. Acupuncture Trainee Permit. The authorization granted to an individual as set forth in Section 54-4708, Idaho Code. (3-21-12)

011. -- 099. (RESERVED)

100. APPLICATIONS (RULE 100).
Applications for licensure, certification and acupuncture trainee permit shall be on forms approved by the Board. (3-21-12)

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 passage of an examination or other demonstration of proficiency as approved by the board; and (4-2-08)

b. Successful completion of the requirements for full membership of the American Academy of Medical Acupuncture; or (4-2-08)

c. Possess a doctoral degree in chiropractic, dentistry, podiatric medicine, or naturopathic medicine from a college or university accredited by an organization approved by the U.S. Department of Education or Idaho State Board of Education; and (4-2-08)

d. Successful completion of a minimum of one hundred (100) hours of didactic course work in acupuncture taught by an NCCAOM certified acupuncturist who has been practicing acupuncture for at least five (5) years and is currently licensed, two hundred (200) hours of practice as a certified technician or as an acupuncture trainee permit holder over a one (1) year period, twenty-five (25) case studies; and (3-21-12)

e. Receipt of a passing grade on a board approved examination that measures minimum competency; and (4-2-08)

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)

03. Requirements for Acupuncture Trainee Permit. Applicants for Acupuncture trainee permit shall submit a complete application, required fee, and official certified documentation of either: (3-21-12)

a. Current enrollment in an Approved Acupuncture Program and actively pursuing completion of the program; or (3-21-12)

b. Must meet the requirement for certification as set forth in Subsection 200.02.c. and complete the one hundred (100) hours of didactic course work as set forth in Subsection 200.02.d. (3-21-12)

c. Permit holders must work under the board approved supervision of a licensed or certified acupuncturist. (3-21-12)

d. The permit will expire one (1) year from date of issue. The permit may be extended in accordance with Section 54-4708, Idaho Code. (3-21-12)

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 or certification. (3-21-12)

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 or certification. A demonstration of proficiency or examination may be required as a part of the determination of the individual's qualification. (3-21-12)

227. -- 299. (RESERVED)

300. FEES (RULE 300).

01. Application Fee. Application fee for any original license, certification, or acupuncture trainee permit - fifty dollars ($50). (4-6-15)

02. Original License Fee. (3-30-01)

a. Original license fee - one hundred fifty dollars ($150). (4-6-15)

b. Original fee for certification - one hundred fifty dollars ($150). (4-6-15)

c. Original fee for acupuncture trainee permit - one hundred fifty dollars ($150). (3-21-12)

03. Annual Renewal Fee. (3-10-00)

a. Annual renewal fee for licensure - seventy-five dollars ($75). (4-6-15)

b. Annual renewal fee for certification - seventy-five dollars ($75). (4-6-15)

c. Annual renewal fee for technician certification or acupuncture trainee permit - fifty dollars ($50). (4-6-15)

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 together with the required fee in accordance with Section 67-2614, Idaho Code. As part of a complete renewal application, the licensee will certify by signed affidavit completion of the required continuing education pursuant to Sections 305 through 307 of these rules. Licenses and certificates not so renewed will be cancelled in accordance with Section 67-2614, Idaho Code. (4-4-13)

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 continuing education required of licensees by Section 305 through 307 of these rules as follows: (3-25-16)

a. For licenses or certificates expired for one (1) year or less, one (1) year of continuing education; (3-25-16)

b. For licenses or certificates expired for more than one (1) year, two (2) years of continuing education. (3-25-16)

302. INACTIVE STATUS (RULE 302).

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. (4-4-13)

01. 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)

02. Waiving Continuing Education Requirements - Inactive Status. 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." (4-4-13)

03. Return to Active Status. 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 fee and renewal fee. The continuing educational requirement and the fees will not be prorated for a partial year. (4-4-13)

303. -- 304. (RESERVED)

305. CONTINUING EDUCATION REQUIREMENTS (RULE 305).
In order to further protect the public health and to facilitate the administration of the Acupuncture Act, the Board has adopted the following requirements: (4-4-13)

01. Requirement. All practitioners, for renewal of their license or certificate, shall be required to complete a minimum of fifteen (15) hours of continuing education within the preceding twelve (12) months. Beginning July 1, 2014, a minimum of ten (10) hours of continuing education must be from Category I topics, and a maximum of five (5) hours of continuing education may be from Category II topics, as set forth in Sections 306 and 307 of these rules. (4-4-13)

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. 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)

05. Carryover. A continuing education course taken in a renewal year, but not claimed for continuing education credit in that year, may only be claimed for credit in the following renewal year. (4-4-13)

06. Credit for Teaching. Licensees may earn continuing education credit by teaching Board-approved courses. A licensee will earn one (1) credit hour for every two (2) hours of teaching. Credit for teaching will not exceed five (5) hours of the total continuing education hours required for a renewal period and will be credited to the category of the topic taught. (3-25-16)

306. APPROVAL OF CONTINUING EDUCATION COURSES.
Approved continuing education courses shall be those courses, programs, and activities that meet the general requirements, the content requirements of these rules, and that are approved or provided by the following entities or organizations, or otherwise approved by the Board: (4-4-13)

01. NCCAOM; (4-4-13)

02. Accredited Schools. Acupuncture and oriental medicine; and (4-4-13)

03. Other Courses May Be Approved by the Board. Other courses may be approved based upon documentation submitted by the licensee or course provider. 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. (4-4-13)

307. CONTENT OF CONTINUING EDUCATION COURSES.
The content of a continuing education course must be germane to the practice of acupuncture as defined in Section 54-4702, Idaho Code, and (4-4-13)

01. Category I. Category I courses shall relate to the following topics: (4-4-13)

a. Acupuncture and the practice of acupuncture as defined in Section 54-4702, Idaho Code including topics that directly concern the history and theory of acupuncture, oriental medicine diagnosis and treatment techniques, and techniques of adjunctive oriental medicine therapies; (4-4-13)

b. The role of acupuncture in individual and public health, such as emergencies and disasters; or (4-4-13)

c. Research and evidence-based medicine as related to acupuncture and Asian medicine; (4-4-13)

02. Category II. Category II courses shall relate to the following topics: (4-4-13)

a. Western biomedicine and biological sciences; (4-4-13)

b. Scientific or clinical content with a direct bearing on the quality of patient care, community or public health, or preventive medicine; (4-4-13)

c. Laws and ethics; (4-4-13)

d. Enhancement of effective communication with other medical practitioners; (4-4-13)

e. Behavioral sciences, patient counseling, and patient management and motivation when such courses are specifically oriented to the improvement of patient health; (4-4-13)

f. Practice management unrelated to clinical matters and direct patient care, including, but not limited to, administrative record keeping, insurance billing and coding, and general business organization and management; or (4-4-13)

g. Patient education including, but not limited to, patient education in East Asian therapeutic exercise techniques and Asian nutritional therapies. (4-4-13)

308. -- 399. (RESERVED)

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. A patient's records shall be made available to the patient within thirty (30) days of a request. Reasonable fees may be charged for copying the records. (4-4-13)

402. DISCLOSURE OF FEES (RULE 402).

Prior to providing treatment to a new patient, a practitioner shall explain to the patient the fees expected for treatment, accepted methods of payment, and payment policies including when payment is expected and any fees or interest to be charged for late payments. Such explanations should be provided in writing. (4-4-13)

01. Payment. If the practitioner expects payment from the patient before receiving third party payments, the practitioner shall inform the patient before providing treatment. (4-4-13)

02. Fee Changes. If the practitioner's fees change during the course of treatment, the practitioner shall inform the patient of the new fees before providing treatment under the new fee schedule. (4-4-13)

403. EMPLOYMENT OF UNLICENSED, NON-EXEMPT INDIVIDUALS (RULE 403).
Individuals who do not have a license and are not exempt from licensure shall not perform any insertion of acupuncture needles or use similar devices and therapies, including application of moxibustion. They may only support the practitioner's professional practice by performing office and ministerial acts related to acupuncture. The practitioner shall be responsible for the services provided by such employees. (4-4-13)

404. SUPERVISION OF TRAINEES AND TECHNICIANS (RULE 404).
A licensed or certified acupuncturist providing supervision to trainees or technicians shall be responsible for the services provided by such individuals. Failure to adequately supervise such an individual may subject the supervisor to discipline. (4-4-13)

405. ADVERTISING (RULE 405).
A practitioner shall not disseminate or cause the dissemination of any advertisement or advertising including offers, statements, or other representations, which is in any way fraudulent, false, deceptive, or misleading. Any advertisement or advertising shall be deemed by the board to be fraudulent, false, deceptive, or misleading if it: (4-4-13)

01. Contains a Misrepresentation of Fact. Contains a misrepresentation of fact; (4-4-13)

02. Misleading or Deceptive. Is misleading or deceptive because in its content or in the context in which it is presented it makes only a partial disclosure of relevant facts. It is misleading and deceptive for a practitioner to advertise free or services for a specific charge when in fact the practitioner is transmitting a higher charge for the advertised services to a third party payor for payment or charges the patient or a third party. It is misleading and deceptive for a practitioner to use the word "Doctor" in offering to perform services without also indicating the profession in which the licensee holds a doctorate level degree. (4-4-13)

03. Creates False or Unjustified Expectations of Beneficial Treatment or Successful Cures. Creates false, or unjustified expectations of beneficial treatment or successful cures; (4-4-13)

04. Failure to Perform. Contains any representations or claims, as to which the practitioner, referred to in the advertising, fails to perform; or (4-4-13)

05. Deceptive or Misleading Heading. Appears in any classified directory, listing, or compendium under a heading, which when considered together with the advertisement, has the capacity or tendency to be deceptive or misleading with respect to the profession or professional status of the practitioner. (4-4-13)

406. -- 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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