

Dear Senators LODGE, Broadsword, Bock, and
Representatives MCGEACHIN, Bilbao, Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Bureau of Occupational Licenses - State Board of Acupuncture:

IDAPA 24.17.01 - Rules Pertaining To The Rules of the State Board of Acupuncture (Docket No.
24-1701-1101).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/25/2011. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/23/2011.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address or FAX
number indicated on the memorandum enclosed.



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee
FROM: Principal Legislative Research Analyst - Eric Milstead
DATE: October 05, 2011
SUBJECT: Bureau of Occupational Licenses - State Board of Acupuncture

IDAPA 24.17.01 - Rules Pertaining To The Rules of the State Board of Acupuncture (Docket No. 24-1701-1101)

The Bureau of Occupational Licensing submits notice of temporary and proposed rulemaking at IDAPA 24.17.01 - Rules of the State Board of Acupuncture. The temporary and proposed rule reflects changes stemming from the passage of House Bill 46 by the 2011 Legislature. Among other revisions, the temporary and proposed rule eliminates the "acupuncture technician certificate" and replaces that certificate with a "trainee permit." (See Section 200.03.) This change is consistent with provisions of House Bill 46.

The temporary rule became effective August 5, 2011. The temporary and proposed rule appears to be authorized by section 67-5226 and 54-4705, Idaho Code.

cc: Bureau of Occupational Licenses - State Board of Acupuncture
Tana Cory & Cherie Simpson

COST/BENEFIT ANALYSIS FORM
Idaho Bureau of Occupational Licenses

Docket Number: 24-1701-1101

Agency Contact: Tana Cory
Phone: (208) 334-3233

Date Analysis Completed: 8/30/11

IDAPA Chapter Number and Title: IDAPA 24.17.01, "Rules of the State Board of Acupuncture"

Fee Rule Status: Proposed

Instructions:

Section 67-5223(3), Idaho Code, adopted by the 2010 Legislature, requires that all proposed rules in which a fee or charge is imposed or increased must include a cost/benefit analysis of the rule change at the time the rule text is submitted for publication. This analysis needs to include an estimated cost to the agency to implement the rule and an estimated cost to be borne by citizens, or the private sector, or both. This statute change is effective July 1, 2010, and must be completed for fee rules published in the Idaho Administrative Bulletin after that date.

Cost/Benefit Analysis For This Rule Change:

Increase in Fees

Section 54-4711, Idaho Code allows for the setting of fees. Rule 300 is being amended to change to license type from technician certification to acupuncture trainee permit to comply with statute. There is no change to fee amounts.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.17.01 - RULES OF THE STATE BOARD OF ACUPUNCTURE

DOCKET NO. 24-1701-1101

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 5, 2011.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 54-4705, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2011.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The 2011 legislature passed House Bill 46 which amended multiple sections of Title 54, Chapter 47 replacing the technician certificate with the acupuncture trainee permit. This new rule complies with the statute.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The 2011 legislature passed House Bill 46 which amended multiple sections of Title 54, Chapter 47 replacing the technician certificate with the acupuncture trainee permit. This new rule complies with the statute. There is no change to fees currently collected. The technician certification designation is being changed to acupuncture trainee permit due to the passage of House Bill 46.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There is no change to fees currently collected.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule proposal was discussed in a noticed open meeting and implements changes to the Statute.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2011.

DATED this 19th day of August, 2011.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State St.
Boise, ID 83720-0063
(208) 334-3233 Ph. (208) 334-3945, fax

**THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT
FOR DOCKET NO. 24-1701-1101**

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 *qualified applicant who meets the requirements pursuant to* individual as set forth in Section 54-4708A, Idaho Code. ~~(3-30-01)~~(8-5-11)T
- 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 laws and rules of the Board, permitting said applicant to practice acupuncture in the state of Idaho. ~~(3-10-00)~~(8-5-11)T
- 05. Practitioner.** A person to whom a license, certification, ~~or~~ technician certificate, or acupuncture trainee has been issued pursuant to Title 54, Chapter 47, Idaho Code. ~~(3-30-01)~~(8-5-11)T
- 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. (8-5-11)T

011. -- 099. (RESERVED)

100. APPLICATIONS (RULE 100).

Applications for licensure, certification and ~~technician certificate~~ acupuncture trainee permit shall be on forms approved by the Board. (~~5-3-03~~)(8-5-11)T

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 (~~3-30-01~~)(8-5-11)T

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 ~~Technician Certificate~~ Trainee Permit. Applicants for Acupuncture ~~technician Certificate~~ trainee permit shall submit a complete application, required fee, and official certified documentation of either: (3-30-01)(8-5-11)T

a. ~~Successful completion of the requirements for clinical technician certificate from the International Academy of Medical Acupuncture, Inc.~~ Current enrollment in an Approved Acupuncture Program and actively pursuing completion of the program; or (3-10-00)(8-5-11)T

b. ~~Successful completion of a minimum of~~ 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 ~~within one (1) academic year; and as set forth in Subsection 200.02.d.~~ (3-30-01)(8-5-11)T

c. ~~Successful completion of a Blood Borne Pathogen course and comprehensive examination that incorporates clean needle techniques and OSHA procedures and requirements; and~~ Permit holders must work under the board approved supervision of a licensed or certified acupuncturist. (3-30-01)(8-5-11)T

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.~~ The permit will expire one (1) year from date of issue. The permit may be extended in accordance with Section 54-4708, Idaho Code. (3-30-01)(8-5-11)T

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 ~~or technician certificate.~~ (3-10-00)(8-5-11)T

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 ~~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)(8-5-11)T

227. -- 299. (RESERVED)

300. FEES (RULE 300).

01. Application Fee. Application fee for any original license, ~~or~~ certification, or acupuncture trainee permit - one hundred dollars (\$100). (3-29-10)(8-5-11)T

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

a. Original license fee - two hundred dollars (\$200). (3-21-07)

b. Original fee for certification - two hundred dollars (\$200). (3-21-07)

c. Original fee for ~~technician certification~~ acupuncture trainee permit - one hundred fifty dollars

