

Dear Senators MARTIN, Souza, Jordan, and
Representatives WOOD, Wagoner, Chew:

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 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking
(Docket No. 24-1701-1900F).

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 07/24/2019. 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 08/21/2019.

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 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
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: Legislative Drafting Attorney - Matt Drake

DATE: July 05, 2019

SUBJECT: Bureau of Occupational Licenses - State Board of Acupuncture

IDAPA 24.17.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 24-1701-1900F)

The Idaho Bureau of Occupational Licenses - State Board of Acupuncture - submits notice of temporary and proposed rules at IDAPA 24.17.01, Rules of the State Board of Acupuncture. The rulemaking adopts and re-publishes existing and previously approved chapters with minor edits in the nature of clean-up and simplification. **No substantive changes are noted.** This is a fee rule. **No new fees or charges are imposed by this rule reauthorization and republication.** These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation.

cc: Bureau of Occupational Licenses - State Board of Acupuncture
Kelley Packer

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.17.01 – RULES OF THE STATE BOARD OF ACUPUNCTURE

DOCKET NO. 24-1701-1900F

NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED FEE RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rules listed in the descriptive summary of this notice is June 30, 2019.

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

PUBLIC HEARING SCHEDULE: Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

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:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 24.17.01, rules of the State Board of Acupuncture:

IDAPA 24

- 24.17.01, *Rules of the State Board of Acupuncture* - All rules *except Subsections/Sections 010.01, 010.02, 010.03, 010.10, 010.12, 100, and 551.*

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. These rules govern the qualifications for the practice of acupuncture and allowing the rules to expire would impede the Board's ability to ensure that acupuncture services are provided by competent individuals.

The fee or charge imposed by the rules is necessary to avoid immediate danger. The fees or charges reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. These fees and charges are part of the dedicated fund portion of the state budget, which makes up a material portion of the FY2020 budget. The FY2020 budget has already been set by the Legislature and passed into law. That budget relies upon the existence of these fees and charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these fee rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and the immediate danger of a violation of Idaho's constitutional requirement that it balance its budget. Absent the ability to impose the licensure fees outlined in this chapter, the State Board of Acupuncture would not be able to remain self-sufficient, contrary to its statutory mandate.

FEE SUMMARY: The preceding section and the attached rules provide a specific description of the fee or charge imposed or increased by this rulemaking. This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules. Fees are established in accordance with Section 54-4710, Idaho Code, as follows: application fee: \$50; original license fee: \$150; original fee for certification: \$150; original fee for acupuncture trainee permit: \$150; annual renewal fee for licensure: \$75; annual renewal fee for certification: \$75; annual renewal fee for technician certification or acupuncture trainee permit: \$50; fee for inactive license or certification: \$50.

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: This rulemaking is not anticipated to have any fiscal impact on the state General Fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the Legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the temporary and proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Rob McQuade 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 within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 19th day of June, 2019.

Kelley Packer
Bureau Chief
Bureau of Occupational Licenses
700 W. State Street
P.O. Box 83720
Boise, ID 83720
Phone: (208) 334-3233
Fax: (208) 334-3945

**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 are titled 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, are 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 are 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. 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)

02. 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)

03. 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)

04. 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)

05. 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)

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. 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)

011. -- 199. (RESERVED)

200. QUALIFICATIONS FOR LICENSURE OR CERTIFICATION (RULE 200).

01. Requirements for Licensure. Applicants for licensure must 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 must 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)

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

201. ACUPUNCTURE TRAINEE PERMIT.

The Board may issue an acupuncture trainee permit to allow a person to engage in the practice of acupuncture while actively pursuing licensure or certification. The permit will expire one (1) year from date of issue. The permit may be extended in accordance with Section 54-4708, Idaho Code. The holder of an acupuncture trainee permit may only practice under the supervision of a person licensed or certified under this chapter who meets the requirements in Section 404 of these rules. An applicant for a permit must present evidence satisfactory to the Board of meeting the following requirements: (4-11-19)

01. Application. An applicant must submit a completed application on a form approved by the Board together with the required fee. (4-11-19)

02. Education. An applicant must submit documentation of either: (4-11-19)

a. Current enrollment in an Approved Acupuncture Program and actively pursuing completion of the program; or (4-11-19)

b. Satisfaction of the requirement for certification as set forth in Paragraph 200.02.c. of these rules, and successful completion of the one hundred (100) hours of didactic course work as set forth in Paragraph 200.02.d. of these rules. (4-11-19)

03. Supervision. Submission of a supervision plan specifying at a minimum the name of the supervisor and the setting and location where the permit holder will practice. A supervision plan may be approved by a designated Board member. (4-11-19)

202. -- 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 must 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 must 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 must 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 must 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 canceled in accordance with Section 67-2614, Idaho Code. (4-4-13)

02. Reinstatement. Any license or certificate canceled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code, with the exception that the reinstatement fee is two hundred fifty dollars (\$250) and the applicant must 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 will be deemed canceled 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, are 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. Each licensee must 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 must 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 are eligible for continuing education credits if approved by NCCAOM or upon approval of the Board. (4-6-05)

04. Special Exemption. The Board has 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 are 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 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 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 must keep accurate records of each patient the practitioner treats. The records must include the name of the patient, the indication and nature of treatment given, and any other relevant data deemed important by the practitioner. Records must be kept on file for a minimum of five (5) years and are open to inspection at any time by the Board or its duly authorized representative. A patient's records will 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 must 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 must 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 must 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 may 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 is 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)

01. Qualifications of Supervisors. Prior to providing supervision to a trainee, a supervisor must: (4-11-19)

a. Have held a current acupuncture license or certification without restriction for a minimum of five (5) years. (4-11-19)

b. Have not been the subject of any disciplinary action within the preceding five (5) years, provided that the Board may in its discretion approve a supervisor with disciplinary action for failing to complete continuing education requirements. (4-11-19)

02. Supervision. For the first one hundred (100) hours of practice, the supervisor must provide supervision in person when the trainee is providing treatment. After the first one hundred (100) hours of practice, the supervisor may provide supervision by making themselves accessible to the trainee by telephone, or video conferencing, provided that the trainee has successfully completed the requirement in Paragraph 404.02.a. of this rule, and provided that the supervisor meets with the trainee in person on at least a monthly basis during which time the supervisor must review case studies and require the trainee to demonstrate acupuncture point location and needle placement technique. (4-11-19)

a. Before providing treatment without in-person supervision, the trainee must successfully complete a Blood Borne Pathogen course and comprehensive examination that incorporates clean needle techniques and OSHA procedures and requirements. (4-11-19)

b. The supervisor must provide the trainee with adequate training, which must include at a minimum charting, diagnosis, and treatment plans, and opportunities for the trainee to complete at least twenty-five (25) case studies. (4-11-19)

c. The supervisor and trainee must keep adequate records of supervision, which shall include at a minimum, summary of case studies in progress or completed by the trainee under supervision, treatment plan for each patient, and the dates of supervision. (4-11-19)

03. Continuing Education. A supervisor may annually count up to ten (10) hours of supervision of a trainee toward the Category I continuing education requirements. Supervision hours not claimed in the current renewal year may be claimed in the next renewal year. A maximum of ten (10) hours may be carried forward from the immediately preceding year, and may not be carried forward more than one renewal year. (4-11-19)

04. Completion of Supervision. At the conclusion of supervision of a technician or trainee, the supervisor must verify the hours of supervision, the type of supervision provided to the technician or trainee, and the documentation of at least twenty-five (25) case studies by the technician or trainee. (4-11-19)

05. Termination of Supervision or Change in Supervisor. A supervisor may terminate supervision at any time by submitting written notice of termination to the Board. (4-11-19)

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. – 524. (RESERVED)

525. DISPLAY OF LICENSE (RULE 525).
The license shall be conspicuously displayed in the office of the Practitioner. (3-10-00)

526. -- 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)