

Dear Senators VANORDEN, Bjerke, Wintrow, and
Representatives VANDER WOUDE, Erickson, Rubel:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Occupational and Professional Licenses - State Board of Acupuncture:
IDAPA 24.17.01 - Rules of the State Board of Acupuncture (Fee Rule)-Proposed Rule (Docket
No. 24-1701-2501).

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 11/24/2025. 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 12/22/2025.

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.



Terri Kondeff
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: Division Manager - Matt Drake
DATE: November 5, 2025
SUBJECT: Division of Occupational and Professional Licenses - State Board of Acupuncture

IDAPA 24.17.01 - Rules of the State Board of Acupuncture (Fee Rule)-Proposed Rule (Docket No. 24-1701-2501)

Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licenses - State Board of Acupuncture - submits Notice of Rulemaking regarding the Rules of the State Board of Acupuncture. The Division states that the rule is intended to increase the current fees by one hundred percent (100%) to one hundred fifty percent (150%) for licensure and slightly more for renewals. The Division states that fees will remain competitive with or lower than those in comparable states. The Division further states that the increase is necessary to comply with the cash balance expectations of Section 67-2608, Idaho Code. The proposed changes includes a fee increase, adding clarifying language, removing code references, and adding statutory language.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. The rulemaking is not anticipated to have an impact on the state General Fund. However, the rule does increase fees as shown in the fee table. The increase is expected to address the cash balances that have fallen below thirty percent (30%) of the board's five (5) year rolling average of expenditures.

Statutory Authority

The rulemaking appears to be within the statutory authority granted to the Division pursuant to Sections 54-4705, 54-4710, and 67-2604, Idaho Code.

cc: Division of Occupational and Professional Licenses - State Board of Acupuncture
Ryan Bernard

*** PLEASE NOTE ***

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

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 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.17.01 – RULES OF THE STATE BOARD OF ACUPUNCTURE

DOCKET NO. 24-1701-2501 (FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 67-2604\(1\)\(g\)](#), Idaho Code, and [Section 54-4705\(1\)\(c\)](#), 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 15, 2025.

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

An amendment to Rule 400 regarding a potential increase in fees to address the Board of Acupuncture's cash balances, as well as clarifications to certification, supervision, and discipline provisions.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The increase proposed is one hundred (100) percent to one hundred fifty (150) percent of the current fees for licensure and slightly more for renewals. However, with the increase Idaho's fees will remain competitive or lower than those in comparable states. Fee authorized by [Section 54-4710\(2\)](#), Idaho Code. This increase is necessary to comply with the cash balance expectations of [Section 67-2608\(3\)](#), Idaho Code.

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 resulting from this rulemaking:

No fiscal impact on the state General Fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025 Idaho Administrative Bulletin, [Vol. 25-5, Pages 58-59](#).

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 proposed rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 577-2519.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2025.

DATED this 13th day of August, 2025.

Kolby K. Reddish
Chief Legal Counsel
11341 W. Chinden Blvd., Bldg. 4
Boise, ID 83714
Phone: (208) 577-2519
Email: kolby.reddish@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-1701-2501
(Only Those Sections With Amendments Are Shown.)

24.17.01 – RULES OF THE STATE BOARD OF ACUPUNCTURE

000. LEGAL AUTHORITY.

~~These rules are promulgated pursuant to Section 54-4705, Idaho Code.~~

~~(3-28-23)()~~

(BREAK IN CONTINUITY OF SECTIONS)

100. QUALIFICATIONS FOR LICENSURE OR CERTIFICATION.

01. Requirements for Licensure. Applicants for licensure must submit a complete application on a Board approved form, required fee, and official certified documentation of ~~either~~: ~~(3-28-23)()~~

a. Certification from NCCAOM or graduation from an approved 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 of practice; and (3-28-23)

b. Successful completion of an acupuncture internship, or other equivalent experience as approved by the Board. (3-28-23)

~~**02. Requirements for Certification.** As prescribed in Idaho Code § 54-4707. (3-28-23)~~

(BREAK IN CONTINUITY OF SECTIONS)

105. CONTINUING EDUCATION REQUIREMENTS.

The content of a continuing education course must be germane to the practice of acupuncture as defined in [Section 54-4702, Idaho Code](#). All practitioners are required to complete a minimum of thirty (30) hours of board approved continuing education within the preceding twenty-four (24) months. (3-28-23)

01. Credit for Teaching or Supervision. Licensees may earn up to ten (10) hours of continuing education credit by teaching Board-approved courses or ~~supervision of~~ [supervising](#) trainees. ~~(3-28-23)()~~

02. Board Approval. Approved continuing education courses are those courses, programs, and activities that are approved or provided by NCCAOM, accredited acupuncture and oriental medicine schools, or other courses that 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 are made in writing and include the name of the instructor or instructors, the course agenda, and the number of credit hours requested. (3-28-23)

(BREAK IN CONTINUITY OF SECTIONS)

201. SUPERVISION PLAN.

A licensed or certified acupuncturist providing supervision to trainees shall be responsible for the services provided by such individuals. Failure to adequately supervise such an individual may subject the supervisor to discipline.

(3-28-23)

01. Supervision. For the first one hundred (100) hours of practice, the supervisor must provide supervision in the treatment room when the trainee is providing treatment. The supervisor will meet with the trainee in person at least monthly to review case studies and demonstrate acupuncture point location and needle placement technique. 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 Occupational Safety and Health Administration (OSHA) procedures and requirements. (3-28-23)()

02. Documentation. Supervision documentation will include: charting, diagnosis, and treatment plans, ~~and will include~~ the completion of twenty-five (25) case studies, and verification ~~and documentation~~ of the hours of supervision and case studies. The supervisor and trainee will maintain records of supervision, including summary of case studies in progress or completed by the trainee under supervision, treatment plan for each patient, and the dates of supervision. (3-28-23)()

~~**03. Termination of Supervision or Change in Supervisor.** A supervisor may terminate supervision at any time by submitting written notice of termination to the Board.~~ (3-28-23)

202. – 299. (RESERVED)

300. DISCIPLINE.

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. (3-28-23)

~~**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.~~ (3-28-23)

03. Advertising. A practitioner who disseminates or causes the dissemination of any advertisement or performs advertising including offers, statements, or other representations, which is in any way fraudulent, false, deceptive, or misleading, may be subject to discipline by the Board. (3-28-23)

04. Unlicensed or Unsupervised Practice. Knowingly aided or abetted any person to practice acupuncture who is not authorized to practice acupuncture as provided in this chapter or failed to adequately supervise a trainee or auxiliary staff who have contact with patients which creates or results in an unreasonable risk of harm to the patient. (3-28-23)

301. -- 399. (RESERVED)

400. FEES.

All fees are non-refundable: Annual fees may be aggregated for biennial licensure.

License/Certification/Permit/Certification	Initial Fee (Not to Exceed)	Annual Renewal Fee (Not to Exceed)
Application	\$50	n/a
License	\$150 <u>300</u>	\$75 <u>200</u>
Certification	\$150 <u>300</u>	\$75 <u>200</u>
Acupuncture Trainee	\$150	\$50 <u>100</u>
Inactive License or Certification	n/a	\$50
Reinstatement	\$250	n/a

(3-28-23)()

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

Agency Contact: Kolby Reddish **Phone:** (208) 577-2519

Date: August 13, 2025

IDAPA, Chapter and Title Number and Chapter Name:

24.17.01 – RULES OF THE STATE BOARD OF ACUPUNCTURE

Fee Rule Status: X **Proposed** **Temporary**

Rulemaking Docket Number: 24-1701-2501

STATEMENT OF ECONOMIC IMPACT: