

# Idaho Board of Acupuncture

## Board/Commission Members:

- Charles W. Raymond, L.AC., Boise – Chair
- Ethan S. Fisher, L.AC., Pocatello
- Dr. John Downey, D.C., C.A., Caldwell
- Marlene F. Strong, Boise – Public Member
- Gretchen A. Huettig, L.AC., Boise

**Board/Commission Composition:** The Board consists of five (5) members: three (3) licensed acupuncturists; one (1) certified acupuncturist; and one (1) public member. Board members serve a term of four (4) years. [Idaho Code § 54-4704](#)

**Operating costs per licensee: \$134.89.** This number represents the dollar amount required annually to serve each applicant or licensee based on the average number of licensees and the average expenditures since Fiscal Year 2014. This includes all administrative, fiscal, legal and investigative services.

**Total number** of licensees in Idaho on May 19, 2018: **189**.

For the Idaho Board of Acupuncture, the **shortest time** from complete application to issuing the license was the **same day**. The **longest time** from complete application to issuing a license was **42 days**. **25 percent** of all licenses were issued on the **same day**. The **average time** from complete application to issuing the license was **18.6 days**. The total number of licenses issued by the Board between May 19, 2017 and May 19, 2018 was **12**.

**Note:** All Board meetings are subject to Idaho's Open Meeting Law. The law requires a minimum of five (5) calendar days' notice for regular meetings, and a forty-eight (48) hour notice for the agenda. Special meetings require twenty-four (24) hour meeting and agenda notice. [Idaho Code § 74-204](#)

Idaho Board of Acupuncture

**A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal**

		Statute <a href="#">Title 54,</a> <a href="#">Chapter 47</a>	Rule IDAPA <a href="#">24.17.01</a>	<i>Policy*</i>	Application	Basis to Deny Issuance or Renewal	Fees
Acupuncturist	Issuance Requirements	I.C. § <a href="#">54-4706</a>	IDAPA <a href="#">24.17.01</a> <a href="#">.200</a>	*	<a href="#">Application</a>	I.C. §§ <a href="#">54-4711</a>	<a href="#">\$50 Application Fee</a> <a href="#">Licensure Fee \$150</a>
	Renewal Requirements	I.C. § <a href="#">54-4710</a>	IDAPA <a href="#">24.17.01</a> <a href="#">.301</a>  IDAPA <a href="#">24.17.01</a> <a href="#">.305</a> : Continuing Education	*		I.C. §§ <a href="#">54-4711</a> and <a href="#">67-2614</a>	<a href="#">\$75 Renewal Fee</a>
Certified Acupuncturist	Issuance Requirements	I.C. § <a href="#">54-4707</a>	IDAPA <a href="#">24.17.01</a> <a href="#">.200</a>	*	<a href="#">Application</a>	I.C. §§ <a href="#">54-4711</a>	<a href="#">\$50 Application Fee</a> <a href="#">License Fee \$150</a>
	Renewal Requirements	I.C. § <a href="#">54-4710</a>	IDAPA <a href="#">24.17.01</a> <a href="#">.301</a>  <a href="#">24.17.01.305</a> : Continuing Education	*		I.C. §§ <a href="#">54-4711</a> and <a href="#">67-2614</a>	<a href="#">\$75 Renewal Fee</a>

*\*All of the Board's requirements for licensure and renewal are in statute or rule. The Board does not have any requirements in policy.*

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		<b>Statute</b> <a href="#">Title 54,</a> <a href="#">Chapter 47</a>	<b>Rule</b> <a href="#">IDAPA 24.17.01</a>	<i>Policy*</i>	<b>Application</b>	<b>Basis to Deny</b> <b>Issuance or</b> <b>Renewal</b>	<b>Fees</b>
Acupuncture Technician	Issuance Requirements	I.C. § <a href="#">54-4708</a>	<a href="#">IDAPA 24.17.01 .200</a>	*	Grandfathered; no new permits to be issued	I.C. § <a href="#">54-4711</a>	<a href="#">\$50 Application Fee</a> <a href="#">License Fee \$150</a>
	Renewal Requirements	I.C. § <a href="#">54-4710</a>	<a href="#">IDAPA 24.17.01 .301</a>  <a href="#">IDAPA 24.17.01 .305</a> : Continuing Education	*	N/A	I.C. § <a href="#">54-4711</a> and I.C. § <a href="#">67-2614</a>	<a href="#">\$50 Renewal Fee</a>
Trainee Permit Acupuncturist	Issuance Requirements	I.C. § <a href="#">54-4708</a>	N/A	*	<a href="#">Trainee Application</a>	I.C. § <a href="#">54-4711</a>	<a href="#">\$50 Application Fee</a> <a href="#">License Fee \$150</a>
	Renewal Requirements	I.C. § <a href="#">54-4708</a> (3)	N/A	*	N/A		N/A

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**B. Applications and Renewals Denied, May 19, 2017-May 19, 2018**

Refusal to Issue Initial License [Total Number: 0 ]

	Statutory Basis	Factual Summary
	None	

Refusal to Renew License [Total Number: 0 ]

	Statutory Basis	Factual Summary
	None	

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### C. Disciplinary Actions in the Last Five (5) Years\*\*

The Idaho Board of Acupuncture received **31 complaints** from Fiscal Year 2013 through May 19, 2018. During this time frame, **14 complaints were closed** by the Board with no disciplinary action; and **6 were closed with disciplinary action**.

*\*\*The detail provided below is only for disciplinary action closed between May 19, 2017 and May 19, 2018. Cases are not always closed within the same fiscal year they are opened, and sometimes multiple complaints are included in one disciplinary action.*

Case No	Date of Final Action	Action Taken	Statutory Basis	Factual Basis
ACU-2018-1	4/6/2018	Consent Order	I.C. <a href="#">§ 54-4710(1)</a> ; I.C. <a href="#">§ 54-4711(6)</a> ; IDAPA <a href="#">24.17.01.301.01</a> ; IDAPA <a href="#">24.17.01.305.01</a> ; and IDAPA <a href="#">24.17.01.307</a>	Respondent failed to document continuing education required for renewal.

**D. Changes or Attempted Changes in the Last Five (5) Years to Eliminate Barriers to Entry**

Law and Rule

Session	Legislation or Rule	Summary
2013	<a href="#">Docket No. 24-1701-1201</a>	<p>This rule accomplishes the following:</p> <ul style="list-style-type: none"> <li>• Creates an inactive status and ways to become active again to benefit those who are not practicing, but hope to continue practice in the future;</li> <li>• Establishes that the inactive status fee is only half of the renewal fee;</li> <li>• Clarifies that continuing education (CE) is not required to maintain an inactive license;</li> <li>• Creates two categories for CE;</li> <li>• Adds a provision of carryover hours so that licensees can use excess hours that may have been obtained during a seminar or class; and</li> <li>• For public protection the Board added provisions for               <ul style="list-style-type: none"> <li>▪ Requires providers to disclose fees for services to patients,</li> <li>▪ Clarifies what portion of the services unlicensed personnel can provide and provides for the supervision of trainees, and</li> <li>▪ Clarifies definitions of honest advertising and prohibits making false claims.</li> </ul> </li> </ul>
2015	<a href="#">Docket No. 24-1701-1401</a>	<p>This rule decreases the application fee, original license fee, and annual renewal fee for licensure in an effort to reduce the Board’s dedicated fund balance and convey a benefit to licensees and applicants through these lower fees. It accomplishes the following:</p> <ul style="list-style-type: none"> <li>• Decreases the application fee from \$100 to \$50;</li> <li>• Decreases the original license fee and original fee for certification from \$200 to \$150;</li> <li>• Decreases the annual renewal fee for licensure and certification from \$125 to \$75; and</li> <li>• Decreases the annual renewal fee for technician certification or acupuncture trainee permit from \$75 to \$50.</li> </ul>

Law and Rule (continued)

Session	Legislation or Rule	Summary
2016	<a href="#">Docket No. 24-1701-1501</a>	<p>This rule change allows for reinstatement of a license by showing proof of one (1) year of the required continuing education if the license had been expired for one (1) year or less and two (2) years of the required education if the license had been expired for more than one (1) year. The previous rule required continuing education for each year the license was expired which was a barrier for some wanting to reinstate their license.</p> <p>This change also allows continuing education credit for teaching acupuncture courses.</p>
2017	<a href="#">Docket No. 24-1701-1601</a>	<p>Eliminates the rule requiring practitioners to register their trade and business names. The Board does not regulate acupuncture businesses, only the individual licensees.</p>

Policy

Date	Policy	Summary
Ongoing	Incomplete Applications	<p>The Board may approve applications pending receipt of additional material to be reviewed by the chair. This eliminates a delay in licensure once needed information has been submitted.</p>
2018	Application Review	<p>The Board adopted a policy whereby, upon receipt of a completed application, the Board Chair is notified by staff so that a meeting can be scheduled to review that application in between regularly scheduled meetings.</p>

Additional Barriers Eliminated/Opportunities Provided

Date	Barriers/Opportunities	Summary
2017	Implemented Idaho Code for military service and added it to the Board's website	<p><a href="#">I.C. § 67-2620</a> For military service members and veterans, the Board added to its website a link to a law that says the Board may accept military training and experience toward qualification for licensure. <b>The law states that professional and occupational licensing boards may accept military education, training, and experience toward meeting the qualifications for a license, certification or registration.</b> Boards may also expedite applications, including military spouse applications.</p> <p><a href="#">I.C. § 67-2602A</a> Additionally, if a licensee already holds an active Idaho license and are on active duty in the United States Armed Forces, that license will remain active without renewing it <b>for six (6) months following discharge from active duty. The license shall remain in good standing without the necessity of renewal and during said period the same shall not be cancelled, suspended or revoked.</b></p>
2015	<a href="#">I.C. § 67-2614</a>	<p>This change allows boards to use the law to set its reinstatement fee, or to set a reinstatement fee by rule. It eliminated the requirement that, in addition to the reinstatement fee, the licensee had to include payment of the license fees for all of the years the license had been expired. It also clarified the continuing education required to reinstate a license or registration.</p> <p>Reasons/impact of law change: Those whose licenses expired within the last five (5) years had to pay licensure fees for each year they were expired. Anyone whose license had been expired for more than five (5) years would have to apply as a new applicant. This law change reduced barriers to reentry in two ways. <b>For those whose licenses have been expired for less than five (5) years, it eliminated the requirement to pay licensure fees for each year the license was expired. For those whose licenses have been expired for more than five (5) years, it allows the Board to consider education, supervised practice, examination or practice in another jurisdiction in determining the person's competency when reviewing applications.</b></p>

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### Additional Barriers Eliminated/Opportunities Provided (continued)

<b>Date</b>	<b>Barriers/Opportunities</b>	<b>Summary</b>
2005	Continuing Education	The Board recognized the difficulty for Acupuncturists to meet the continuing education requirements because courses were not offered in Idaho. Therefore, the Board added distance learning and independent study to its rules to qualify for continuing education.
2000	<a href="#">Senate Bill 1364</a>	This legislation removes members of the Idaho Board of Acupuncture from the Public Employee Retirement System of Idaho (PERSI) by changing the payment they receive from compensation to an honorarium under I. C. <a href="#">§ 59-509</a> .

### **E. Assessment of Public Interest**

Acupuncture is a traditional Chinese medical procedure that uses diagnosis and treatment of conditions of the human body. Acupuncture is based upon stimulation of specific points on the human body for the promotion, maintenance, and restoration of health, and for the prevention of disease. Therapies within the scope of acupuncture practice include manual, mechanical, thermal, electrical and electromagnetic treatment of specifically indicated points. Some of these therapies include inserting very thin needles into precise points within the human body. When administered incorrectly, these therapies could potentially result in infection, transmission of disease, or puncturing an organ such as a lung. They may even result in death. These risks are minimized when the person performing the therapy is adequately trained and follows proper infection control procedures. The public expects their practitioner to be competent in performing these treatments and therapies, such that they can be reasonably certain that the services they receive will not harm them or put them at further risk for injury and disease. Licensure in Idaho is designed to protect the health, safety, and welfare of the public by ensuring that acupuncture services are provided by people who the Board has determined are minimally qualified to perform acupuncture and do not represent a danger to the people of Idaho.

**F. Recommendations for Improvement, Modification, or Elimination of Requirements**

1. Recommend updating the act using the model law to reflect today's practices, e.g. the current act uses "waiver" terminology, but current practices refer to "endorsement" language.
2. Review [IDAPA 24.17.01.200.02.e](#) to see if this requirement is still necessary.

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### Summary of Objectives

The Licensing Freedom Act asked that all of Idaho's professional licensing entities critically look at their processes, laws and rules. The goal is to document the elimination of barriers and make recommendations for future changes that improve, modify or eliminate laws and rules governing professional licensure. In response, the Idaho Board of Acupuncture respectfully submits the above report and summarizes with a checklist to ensure all of the objectives were met:

- ✓ Objectives of Executive Order
  - ✓ Protect the public. (*I.C. § 54-4701*)
  - ✓ Portability of licensure. (*I.C. §54-4709, national exam and national certification*)
  - ✓ Eliminate barriers to entry to work. (*See Section F*)
  - ✓ Do away with unnecessary regulation. (*See Section F*)
  - ✓ Modernize licensure and regulatory requirements. (*See Section F*)
  
- ✓ Comprehensive Review - consider some of the issues raised in the background material, such as,
  - ✓ Telework – Idaho has recently passed laws related to telehealth but other occupations may be facing similar issues regarding telework. ([Title 54, Chapter 57](#))
  - ✓ Distance/Online Learning/Testing – distance/online education and testing are increasingly available and may influence the resources that applicants or licensees can access to obtain education, continuing education or to test. ([IDAPA 24-17-01.305.03](#) allows online continuing education)
  - ✓ Criminal History – What barriers or additional obstacles do applicants/licensees face who have a criminal conviction? Do our laws consider the relevance or proximity in time of a conviction to the individuals applying for licensure or for those currently in practice? ([I.C. § 54-4711](#) allows the Board to consider applicants with a criminal history)
  - ✓ Early Examination – What can be addressed in the timing of processes to eliminate unnecessary delays? (*The Board has approved the National Commission for the Certification of Acupuncture and Oriental Medicine examination, portions of which can be taken prior to completion of the academic program.*)
  - ✓ CE Hardship – Is there an allowance for extenuating circumstances? ([IDAPA 21.17.01.305.04](#) allows for special exemption for hardship)
  - ✓ Temporary Permits – Are there opportunities to work while minimum requirements are being met? ([IDAPA 21.17.01.200.03](#) allows an individual currently pursuing licensure or certification to obtain a trainee permit which allows them to work under supervision in the profession for up to a year while completing the requirements)