

IDAHO BOARD OF ACUPUNCTURE
Division of Occupational and Professional Licenses
P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 3/18/2022

BOARD MEMBERS PRESENT: Margret J Blair - Chair
Gretchen A Huettig
Kameron Schott
Matthew Melton

BOARD MEMBERS ABSENT: John Downey

DIVISION STAFF: Anne Lawler, Bureau Chief
Kent Absec, Licensing Program Manager
Nicholas Crema, General Counsel
Cesley Metcalfe, Board Support Supervisor
Christian Runnalls, Board Support Specialist

OTHERS PRESENT: Dr. Cass McLean, Idaho Acupuncture
Lance Giles, The Giles Group, LLC
Charles Raymond, Acupuncture Center of Boise

The meeting was called to order at 3:10 PM MDT by Margret J Blair.

APPROVAL OF FIRST AMENDED AGENDA

Ms. Huettig made a motion to accept the first amended agenda. It was seconded by Ms. Schott. Motion carried.

INTRODUCTIONS

Matthew Melton introduced himself as a new member of the Board. Board members and Division staff were introduced.

FINANCIAL REPORT

The Board reviewed a financial memo from the Division Administrator regarding Board finances and allocations of funds.

LAWS AND RULES

Ms. Lawler restated the purpose and process of ZBR. The Board reviewed staff recommendations for the rules outlined below. Unless otherwise stated, the Board approved the recommendations presented.

Rule 010. – Definitions:

Ms. Lawler suggested deleting subsections 01 and 03 because they are already generally accepted definitions.

Rule 200.01- Requirements for Licensure:

Ms., Lawler suggested adding the words “on a Board approved form” for clarity to subsection 01. The Board discussed NCCAOM certification qualifications and decided to combine subsections a and b, which will still allow for an alternative pathway to licensure beyond NCCAOM certification. Subsections d and e were deleted for redundancy.

Rule 200.02- Certification:

Ms. Lawler suggested changing the title to “Requirements for Certification” and replacing the current language with a reference to the requirements listed in Idaho Code § 54-4707.

Rule 201- Acupuncture Trainee Permit:

Ms. Lawler requested input from the Board regarding whether trainee permits are still issued. The Board stated that this is most often used for medical professionals approved in Idaho Code § 54-4707 to obtain certification. Ms. Lawler suggested removing redundant language and referencing the requirements of Idaho Code § 54-4708.

Rule 201.02- Supervision:

Ms. Lawler suggested deleting the sentence “A supervision plan may be approved by a designated Board member” as redundant of Rule 404.02. Mr. Absec suggested deleting the requirement that trainee applicants submit a supervision plan because it won't be pre-approved and supervision requirements are specified under Rule 404.

Rule 226.01- Course Review:

Ms. Lawler suggested deleting the sentence “The request must also designate whether approval is sought for compliance with standards for certification” as unnecessary.

Rule 226.02- Individual Qualification:

Ms. Lawler suggested deleting the sentence that requires an applicant to state whether they are seeking licensure or certification as unnecessary. She also suggested deleting the sentence that requires an applicant to demonstrate proficiency or pass an examination as duplicative of 200.01.e.

Rule 300- Fees:

Ms. Lawler stated that this rule will be moved to the end of the chapter to align with the formatting of other boards within the Division.

Rule 300- Reinstatement of License:

Ms. Lawler suggested deleting the reference to Rules 305 through 307 as unnecessary because the rule already defines what is needed.

Rule 301.02.a. and b. - Return to Active Status:

Mr. Crema suggested changing subsection a to require only a maximum of two (2) years of continuing education for return to active status. He also suggested deleting subsection b because it is already governed by Idaho Code § 67-2614.

Rule 305- Continuing Education Requirements:

Ms. Lawler suggested deleting the defining statement as an unnecessary generalization of why the rule exists.

Rule 305.01- Requirement:

Ms. Lawler stated that the Division will align this language with NCCAOM course definitions.

Rule 305.02- Verification of Attendance:

Ms. Lawler suggested deleting unnecessary language that specifies how to maintain attendance verification and simplifying the rule to state that each licensee must maintain records to satisfy the requirements of the rule.

Rule 305.03- Distance Learning and Independent Study:

Ms. Lawler suggested deleting the language regarding face-to-face attendance and the phrase "or approval of the Board" to simplify the rule.

Rule 305.04- Special Exemption:

Ms. Lawler suggested deleting the final sentence regarding the Board's discretion to grant exemptions as duplicative.

Rule 305.06- Credit for Teaching:

The Board suggested deleting language regarding how teaching hours will be credited to continuing education categories as it is obsolete once 305.01 is revised.

Rule 306.01- NCCAOM:

Ms. Lawler suggested adding the phrase "as prescribed by Rule 305" for clarity.

Rule 307- Content of Continuing Education Courses:

Ms. Lawler suggested deleting this rule as it is obsolete once Rule 305.01 is revised.

Rule 401- Records:

Ms. Lawler suggested deleting the language requiring record retention for five years as this is already regulated by HIPAA.

Rule 403- Employment of Unlicensed Non-Exempt Individual:

Ms. Lawler suggested deleting this rule because it is an unnecessary statement of the illegality of unlicensed practice.

Rule 404.02 Supervision:

The Board suggested changing the phrase "in person" to "in the treatment room" to clarify expectations.

Rule 404.02.b and c. - Supervision:

Ms. Lawler suggested rewording these subsections to better clarify the requirements for supervision.

Rule 404.03- Continuing Education:

Ms. Lawler suggested deleting reference to Category 1 as it is obsolete once Rule 305.01 is revised.

Rule 404.04- Completion of Supervision:

Ms. Lawler suggested combining this with subsection b to make it more streamlined.

Rule 405- Advertising:

Ms. Lawler suggested moving this to the discipline section of the rules.

FUTURE MEETING DATE

The Board rescheduled its May 6, 2022, meeting to May 13, 2022, at 1:00 PM MDT.

ADJOURNMENT

Ms. Blair adjourned the meeting at 5:02 PM MDT.