



# To the Point

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 Phone: 208-883-8894  
 E-mail: info@idahoacupuncture.org  
 Web site: www.idahoacupuncture.org

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 Vice President: Holly Carling,  
 Coeur d'Alene  
 Secretary & Membership Coordinator:  
 Meggan Baumgartner, Moscow  
 Treasurer & Website Coordinator:  
 Cass McLean, Moscow

Newsletter design and advertising: Melissa  
 Rockwood, rdesign@moscow.com

## A Lesson in Idaho Politics

by Cass McLean, LAc

**YOUR STATUS** as a Licensed or Certified Acupuncturist may be in jeopardy. Without your input, all licensing of Idaho acupuncturists may disappear. The state is considering changes that could allow *anyone* to practice acupuncture. We need to speak up to protect our identity, education and our future.

On May 19, 2017, Lieutenant Governor Brad Little signed Executive Order 2017-06, also known as “The Idaho Licensing Freedom Act” requesting a comprehensive review of the occupational licensing requirements in Idaho. Both the Idaho Board of Acupuncture and the Idaho Acupuncture Association were selected to respond with a report reviewing the current state of our practice act.

According to the press release, “The report will assess whether the licensure requirements are necessary and in the public interest while providing recommendations for improvement, modification or elimination.”

Acting Governor Little said at the time of the signing, “To my knowledge we have never reviewed many of these licenses. From this last legislative session, it’s clear that we need to take a comprehensive look at our practices, and how and why they were implemented.” It has been over 42 years since the Idaho government reviewed and updated some of the occupational licenses. “...with advancements in technology it’s time for us to ask: is it needed? Can we modernize? How can the state provide better customer service? Can government get out of the way and still protect the common good?...”



Cass McLean, L.Ac.

My reaction to this call-to-action was, “Wow! What a great opportunity for Idaho

acupuncturists to fine tune our practice act; we can review our current rules and regulations and modify them to fit our needs. Maybe we can adjust the practice act to include or exclude verbiage to help in our debate against Dry Needling.”

But while an expanded or refined practice act is ideal, it is unlikely, and possible we now face its elimination altogether.

Could you imagine the effectiveness and safety repercussions if there was not

*Could you imagine the effectiveness and safety repercussions if there was not a licensing board for acupuncture in Idaho? It would mean a major step back for us in our state and in our profession.*

a licensing board for acupuncture in Idaho? It would mean a major step back for us in our state and in our profession.

The Idaho Board of Acupuncture is comprised of just 5 people – 3 LAc’s, 1 CAc and 1 member of the public. The Idaho Acupuncture Association Board is only 4 members. That’s 9 people in the

state of Idaho that are fighting to keep our profession relevant. Decisions are being made, if you want to have a say in your professional future – to maintain your status as a Licensed or Certified Acupuncturist - it’s time to speak up.

The Lieutenant Governor set up a website and email address, cited below, for comments from the public about his Executive Order. Tell the Lieutenant Governor that the Idaho

*continued on page 3*



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acupuncturist needs to be qualified; that we can't guarantee the safety of Idaho "pin-cushions" without the basic demonstrations of proficiency that our Board requires.

Tell him about the Dry Needling accidents you've learned about in school, in the news and first-hand from your patients. Tell him what happens when you puncture a lung with an acupuncture needle. And tell him he's making a mistake if he wants to "shrink government" by removing oversight of medical practitioners.

Lieutenant Governor Little is not wrong. Our current practice act *is* outdated. There is much room for improvement; but the possibility of elimination takes us down a path that moves our profession backward, not forward.

I volunteered to review the current Idaho practice act and compare it to the rules and regulations of our neighboring states: Washington state, Oregon and California. With a fine-toothed comb, I delved into the nitty gritty and the fine

print of each of our neighbors' practice acts in hopes of finding something they had that we didn't. And, boy did I find some real gems!

Did you know that the Oregon Medical Board provides new acupuncturists with "A Handbook for Acupuncturists Practicing in Oregon" that is 342 pages long? It is full of ways to navigate Oregon's medical system. Need to know who to call if you suspect an outbreak of measles? Rabies? Botulism? What if you suspect abuse of a senior or a person with a disability? You can read all about it in the Handbook on pages 9 and 10.

California's "Laws and Regulations Relating to the Practice of Idaho" were updated in June, 2017. Did you know that California requires you to be fingerprinted when you submit your application? It does. And California requires 50 continuing education credits with the

renewal application every 2 years. I'm grateful Idaho only requires 15 credits per year, but wouldn't it be nice to have 2 years to complete 30 credits? It would certainly give us some extra wiggle room.

Did you know that Washington state changed their license title from "Licensed Acupuncturist" to "East Asian medicine Practitioner" to demonstrate their scope is wider than acupuncture alone? You can read all about it in their practice act (RCW 18.06.005 – Intent – 2010 c 286). They also require every applicant to undergo a background check *and* to be fluent in English. Those seem like relevant additions to consider in Idaho's practice act.

This research broadened my perspective on the possibilities of expanding and fine tuning our practice act. Idaho's Rules and

*Lieutenant Governor Little is not wrong. Our current practice act is outdated. There is much room for improvement ...*

*continued on page 4*

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## Heads Up!

**THE** Idaho Physical Therapist Association is planning to bring a bill this year to add dry needling to the physical therapy practice act.

In the interests of public safety, the IAA does not support allowing Physical Therapists to practice dry needling. We have serious concerns which we have addressed in several past newsletters. Check out this website: <https://www.acupuncturesafety.org/> and be prepared to keep your ears to the ground.

However, in the interests of being effective we cannot wade into the area of practice protectionism, which leaves us open to lawsuits based on anti-trust laws. At present several state acupuncture associations are losing legal battles to prevent dry needling because they did NOT base their response to dry needling on their state's statutes and public safety process.

If you want to help please let us know and work with us by becoming a member, volunteering, contributing financially.

Sincerely,

*Karen Young, President of the IAA*

*208-883-8894, [karenyounglac@gmail.com](mailto:karenyounglac@gmail.com)*

## What Does the IAA Do?

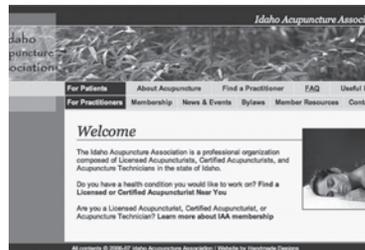
by Karen Young, L.Ac.

**AT THE OCTOBER** CEU course one of the attending acupuncturists asked me what the IAA does. Here was my answer:

- we nominate licensing board members to the Governor,
- we respond to whatever comes out of the legislature or Governor's office that concerns our profession,
- we keep the website active,
- we publish a newsletter that goes to every acupuncturist in the state whether or not they are members of the organization,
- we keep the books in order,
- we run annual meetings and extra meetings as needed,
- we work with the Acupuncture Licensing Board,
- we work with our lobbyist, Kris Ellis,
- we run CEU courses annually,
- we listen to suggestions and complaints,
- we maintain our membership rolls and renewals,
- we are the professional presence of acupuncture in Idaho.

If there is more participation we can take on many issues that face Idaho acupuncturists: insurance and Medicaid coverage, business issues, protecting the public from unsafe "dry needling," educating the public on the benefits of acupuncture and Oriental medicine.

Ohio, with a similar number of acupuncturists, has taken the Medicaid issue to the state legislature and is moving forward. We can take steps forward as well. It is a perfect time to come up with a task force of acupuncturists to work with our lobbyist and the legislature. That could be expanded into working with more insurance companies to cover acupuncture. We need your help to move Idaho into the 21<sup>st</sup> century.



*The IAA website, [idahoacupuncture.org](http://idahoacupuncture.org), has information for both practitioners and patients.*

## A LESSON IN IDAHO POLITICS, *continued from page 3*

Regulations (Title 54) and the Rules of the State Board of Acupuncture are modest by comparison. We're using outdated terminology and have, what I consider, a limited (in definition) scope of practice. Our application and renewal fees are far lower than the surrounding states' – which may be good for you and I, but the Board uses that money to protect our rights. With such a low number of acupuncturists in our state and so little money, how would we afford a legal battle to protect our scope of practice? Bottom line is, we are operating on a bare-bones legal structure, and there is a lot of room for improvement.

While Washington state, Oregon and California are expanding their defined scopes of practice, modernizing their terminology and refining their qualifications to improve the quality of their licensed acupuncturists, Idaho's modest rules and regulations are at risk of being eliminated.

The Idaho Board of Acupuncture is a government necessity and cannot be dissolved. Please submit a comment and let us continue to protect Idaho citizens from harm. You may also suggest ways to improve our current practice act, though not technically up for debate, he will read your comments and see that we are not only invested in our current practice act, but we are looking to improve it. Your comments are due no later than May 1, 2018.

Please submit your comment to the Lieutenant Governor by visiting: <https://ibol.idaho.gov/IBOL/BoardLFA.aspx?Bureau=ACU>

To view the full press release of the Executive Order, visit:

<https://lgo.idaho.gov/wp-content/uploads/sites/13/2017/05/Lt.-Governor-Little-Release-Licensing-Freedom-Act.-5.19.2017.pdf>

To view the Executive Order 2017-06 in its entirety, visit:

<https://gov.idaho.gov/mediacenter/execorders/eo17/EO%202017-06.pdf>

The letter from the IAA Board in response to the Executive Order is printed in *this* newsletter on page 6.

# The IAA needs you ~ ASAP!

by Meggan Baumgartner, LAc, Dipl.OM

**HAPPY NEW YEAR** ~ soon to be the Chinese year of the Earth Dog. May the stability of earth provide a prosperous and joyful year for you!

I have been the secretary and membership coordinator for the IAA since 2008. All the board positions of the IAA are voluntary, meaning we do the work for the organization and all acupuncturists in the state out of the goodness of our hearts (without pay). The board meets twice a year and puts out a bi-annual newsletter that is sent to all licensed and certified acupuncturists in the state, regardless of their IAA membership. We also sponsor continuing education classes (in Qigong the last 3 years) to further enhance our practitioners. Lately we have been focused on the issues around “dry needling” and the IBOl’s Executive Order No. 2017-

06 (see: <https://lgo.idaho.gov/wp-content/uploads/sites/13/2017/05/Lt.-Governor-Little-Release-Licensing-Freedom-Act.-5.19.2017.pdf> and our letter that was submitted January 2, 2018 within this newsletter).



Meggan Baumgartner, L.Ac..

*Thank you in advance for taking “your turn” for all of us providing this natural health care in Idaho.*

It is very rewarding to be involved with something greater than oneself. To provide a service for others in my profession has been an honor. It is time

for me to use this energy and focus on other pro-bono work. I need someone to step in and become the next IAA secretary and membership coordinator as soon as possible. I will hand off all the necessary tools, history and info to make this next person successful with the assigned tasks. The perfect person would be: organized, diligent, a good writer, motivated to support positive change for our state practitioners. Please contact us if you are interested or would like more details. Another good resource is our website: <http://idahoacupuncture.org/>. If we don’t receive any volunteers by mid-February, I will personally begin calling all of you to ask why you are not assisting in a greater manner.

Thank you in advance for taking “your turn” for all of us providing this natural health care in Idaho. •

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We all know that yin and yang are inseparable. Yang transforms, circulates, and even restrains yin. In the winter, yin should not only be nourished and conserved, but prepared. Yang tonics in the winter can be very helpful for organizing the yin and also protecting against penetration of cold to the interior. Here are some yang tonics to consider:

#### **Essential Yang Formula (Jia Jian Jin Gui Shen Qi Wan)**

Warms, supplements both yin and yang, and supports kidney and bone.

#### **Sea of Qi Formula (Qi Hai Yao Fang)**

Sea of Qi Formula supports the yang of both the spleen and kidney to address chronic issues of qi and yang deficiency that affect digestion.

#### **Vital Treasure Formula (Zhen Bao Fang)**

The strongest yang tonic we make warms and invigorates declining yang, especially in males.

#### **Rejuvenation Formula (Huan Shao Dan)**

Rejuvenation Formula is a popular tonic for supplementing and invigorating the deficiencies usually associated with aging. It nourishes the sensory organs and can help restore the various primal appetites.

#### **Nourish Essence Formula (Zi Jing Di Huang Wan)**

Nourish Essence Formula and Essential Yang Formula can be seen as yin and yang compliments. Essential Yang Formula is stronger to warm the yang, while Nourish Essence is more appropriate when yin deficiency is primary.

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Office of the Governor, Executive Department  
Attention: Candace Villarreal, IBOL specialist for the acupuncture board  
PO Box 83720  
Boise, ID 83720-0063

RE: Executive Order No. 2017-06  
January 2, 2018

Dear Governor Otter and Ms. Villarreal,

We, the Idaho acupuncture association (IAA) board, feel strongly that the ID board of acupuncture should continue to license and regulate the practice of acupuncture for our public's safety.

Specifically:

There is evidence that use of filiform needles (acupuncture needles) by a non-licensed medical professional (such as a physical therapist or massage therapist) has caused significant life-threatening results.\* Examples include but are not limited to: permanent nerve damage, pneumothorax (which is a punctured lung), paralysis and sepsis infections. Recently, the evidence presented in journals regarding injury by non- or lesser- trained professionals providing acupuncture is called dry needling. Dry needling is acupuncture given by a non-licensed person.

The American medical association (AMA) suggests that physical therapists and other medical professionals undergo the same training and licensure as MD's and licensed acupuncturists (LAc's) in order to perform acupuncture.\* Additionally, they recommend acupuncture as an effective, low-cost method for pain control, especially in light of the current opiate drug crisis in the USA. \*

Licensure of acupuncture has led to more coordinated, safe care for patients, as physicians are more likely to refer a patient to a legitimized licensed acupuncturist than a non-licensed provider.

Two of our largest insurance providers in the state, Regence Blue Shield of ID and Pacific Source Plans of ID, both cover / pay for acupuncture services as long as the provider is licensed\*.

The existing practice act / acupuncture board in Idaho has a successful history of keeping the public safe with licensing in an efficient, low-budget manner.

We appreciate the opportunity to comment on your executive order. Please do not hesitate to contact us, should you have any questions.

Most Sincerely,

The IAA Board: Karen Young, LAc; Meggan Baumgartner, LAc; Cass McLean, LAc

\*\*\*

<https://www.ncbi.nlm.nih.gov/pubmed/28068679>  
<https://www.hindawi.com/journals/ecam/2013/260806/>  
<http://www.eastmeetswesthealthcare.com/dry-needling/>  
[http://www.asacu.org/wp-content/uploads/2017/09/Acupunctures-Role-in-Solving-the-Opioid-Epidemic- Final\\_September\\_20\\_2017.pdf](http://www.asacu.org/wp-content/uploads/2017/09/Acupunctures-Role-in-Solving-the-Opioid-Epidemic- Final_September_20_2017.pdf)  
<https://www.ama-assn.org/ama-adopts-new-policies-final-day-annual-meeting>  
<http://leg.mt.gov/content/Committees/Interim/2015-2016/Economic-Affairs/Meetings/Aug-Sept-2015/DryNeedlingPolicyAAMA.pdf>  
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## Opportunity Knocks for Idaho Acupuncturists, *continued from page 12*

non-drug therapy, and that more insurers should follow suit.

With nearly 200,000 eligible patients likely to benefit from multiple treatments, there's a big market for new providers.

"This will really change the number of people who are practicing, and allow more institutions to offer acupuncture," said Jared West, president of the Ohio Association of Acupuncture and Oriental Medicine.

Dr. Maya Myslenski, a pediatrician who practices in the emergency department at MetroHealth Medical Center, has been offering acupuncture to her patients for a variety of ailments for more than two years. It helps patients with both acute and chronic pain, anxiety, she said.

"A lot of our [Medicaid] patients can't afford to go to private offices for treatments," Myslenski said. "I'm beyond thrilled about treatments being covered for them. I think that what we are going to see now is as more and more patients try acupuncture for pain and find it helpful, we'll see a further decrease in the number of prescriptions written for opioid medications. I think acupuncture has a big role here as a tool in this fight."

### **Strong demand**

Ohio was the sixth state to cover acupuncture for Medicaid patients. The other five are California, Oregon, New Jersey, Massachusetts and Minnesota. Maine and Vermont are considering whether to cover the treatment for their Medicaid patients after completing pilot studies testing its effectiveness.

### **West hopes that in Ohio other insurers will follow Medicaid's lead. And that more conditions will soon be covered.**

There are eight conditions that can be treated with acupuncture with good evidence for effectiveness, according to a recent meta-analysis, including neck pain, osteoarthritis of the knee and postoperative pain.

"It's great to have Medicaid [offer it], but that's fewer than a million people, and there are millions out there who really should have more options for their care," West said.

*Here ends the edited Plain Dealer article.*

• • • • •

The acupuncturists in Ohio are moving forward. What about Idaho?

Don't think Idaho is free from the opioid crisis! Quite the opposite.

Google 'opioid crisis in Idaho' and you can read for miles and miles... This is an excerpt from the Ashwood Recovery website:

*"The opioid and heroin crisis in this country and in Idaho is not just a law enforcement problem. It is a public health and community problem. It demands a broad array of public health and community services. Opioid addiction often begins not with a law-breaking doctor, but with a family medicine cabinet..."*

~Wendy Olson, United States Attorney for the District of Idaho

Like the rest United States, the State of Idaho is dealing with a seemingly ever-growing problem with substance abuse – alcoholism, illicit drug addiction, and especially opioid abuse – both of street heroin and prescription painkillers.

Because of the unique geography and the amount of drug traffic entering Idaho, Ada and Canyon Counties are part of the Oregon-Idaho High-Intensity Drug Trafficking Area.

How prevalent is the drug threat in this HIDTA? In 2015, 107 Drug Trafficking Organizations and seven Money Laundering Organizations were operating in the area, and during the first five months of 2016, another nine DTO's were identified.

In 2014, 212 people in Idaho died due to fatal overdoses, most of them because of opioids. Between 1999 and 2013, the number of Idaho deaths attributable to drug misuse more than doubled.

We have a safe, effective modality, recommended by the American College

of Physicians. We have a legislature that is moving to expand Medicaid. This is from our lobbyist, Kris Ellis' report on week one of this year's legislative session:

The State of the State address highlighted Health Care and the Governor's continued efforts to stabilize the market and expand Medicaid. While his proposal this year is not called Medicaid expansion it would in fact add people currently without insurance or even on private insurance to the Medicaid program and has an estimated cost of \$30 million. He is also proposing an additional 3 mental health crisis clinics; one in each Lewiston, Pocatello, and Nampa or Caldwell at a cost of \$2.6 million.

Even here in Idaho there is interest in expanding Medicaid. There is also interest in expanding insurance coverage (presently Blue Cross of Idaho does not reimburse acupuncturists). The opioid crisis provides a window of opportunity to help the public and expand our profession. If you are interested in joining a task force to get Medicaid to cover acupuncture in Idaho contact Karen Young, President of the IAA, phone: 208-883-8894, email: karenyounglac@gmail.com.

• • • • •

The Idaho Office of Drug Policy has spent the past few years getting the drug reporting system up and running and this year they are shifting their focus to addressing the opioid crisis. Send me your best stories on pain relief and let's have acupuncture be part of that solution.

*From Kris Ellis, our lobbyist, kellis@qpublicpolicy.com.*

### **CURRENT IDAHO STATE ACUPUNCTURE BOARD MEMBERS**

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## Membership provides you:

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- *Insurance Billing for CAM Providers: a Survival Guide for Alternative Medicine Providers* is available to IAA members at 30% discount (with 10% of proceeds donated to support IAA)
- Updates of News and Events pertinent to acupuncture
- Discounts for Members to seminars and conferences
- IAA is a source of information for the Governor and government officials about acupuncture, and recommends acupuncturists to the Acupuncture Board at the Idaho Bureau of Occupational Licensing, as well as monitoring legislation to assure a positive affect on acupuncture practice



## In addition- your membership in the Idaho Acupuncture Association

- Enhances your status in the eyes of your patients and the community
- Offers the opportunity to add your voice and vision to the future of your profession
- Unifies and strengthens the profession, enabling the interchange and expansion of ideas and concepts
- Makes possible positive public relations, and education of the benefits of acupuncture
- Offers the opportunity to serve the profession at the organizational level

Membership application or renewal to the **Idaho Acupuncture Association** by mail or online at [www.idahoacupuncture.org](http://www.idahoacupuncture.org)

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Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

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Date: \_\_\_\_\_

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- Professional full voting membership, Licensed or Certified Acupuncturist in current practice in Idaho; \$100 per year.
- Supporting membership, access to all benefits-Acupuncture technicians, or Students wishing to support the acupuncture community; \$75 per year
- \$30 fee for photo on website       \$20 fee for bio on website, up to 350 words       \$20 fee for 2nd clinic listing on website

Make check payable to: **Idaho Acupuncture Association**

Membership year begins when dues are received.

- Check enclosed

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## Opportunity Knocks for Idaho Acupuncturists

by Karen Young, L.Ac.

**OHIO ACUPUNCTURISTS** are moving into a new era, Medicaid coverage for acupuncture. Five other states are adding acupuncture to Medicaid coverage as a response to the opioid epidemic.

See the short interview with Jared West, President of the Ohio Association of Acupuncture and Oriental Medicine on PBS. <http://www.ideastream.org/programs/ideas/acupuncture-medicaid-foster-families-needed-cleveland-history>

*One of the Ohio acupuncture Association's talking points was: to expand care beyond low back pain and migraines in light of the opioid epidemic, so with a foot in the door, other options may soon be available to Medicaid patients.*

The American Medical Association

argues that “non-pharmacologic therapy and non-opioid pharmacologic therapy are preferred for chronic pain. In order to achieve this goal, public and private payer policies must be fundamentally altered and aligned to support payment for non-pharmacologic treatments and multimodal care.”

*On December 31, 2017 the Plain Dealer wrote:* Starting January 1, more than 108,000 Ohioans on Medicaid who have diagnosed low back pain or migraines will be able to see an acupuncturist for pain management. The change in policy is part of an effort to reduce the number of unnecessary opioid prescriptions and overdose deaths in the state that arise from treating chronic pain with addictive drugs.

For the past year, Ohio has been one of six states in the country to cover acupuncture treatments for Medicaid patients, but only when offered by a doctor. Starting tomorrow, Medicaid reimbursement will be open to licensed non-physician acupuncturists who register as Medicaid providers.

Practitioners and their patients say it's about time more people had access to the proven and safe, but expensive,



*Karen Young, L.Ac.*