ORIGINAL

BEFORE THE IDAHO BOARD OF ACUPUNCTURE

STATE OF IDAHO

In the Matter of the License of:	)	
	)	Case No. ACU-2009-1
RACHEL L SMITH,	)	
License No. ACU-132,	)	**NOTICE OF VIOLATION AND**
	)	**SETTLEMENT ORDER RE:**
Respondent.	)	**CONTINUING EDUCATION**
	)	

NOTICE OF VIOLATION:

You are hereby notified that, based upon the audit by the Bureau of Occupational Licenses of your continuing education records for the year before renewal of your license on July 17, 2007, you have not met the following continuing education requirements adopted by the Idaho Board of Acupuncture under the authority of Idaho Code § 54-4705 as follows:

☒ 15 hours of Board-approved instruction during the one-year period before renewal of your license, as required by Rule 302, IDAPA 24.17.01.302. Your audit shows 0 hours of qualifying instruction were submitted as having been taken during this one-year period, leaving you a deficiency of 15 hours for this period.

If you accept the allegations of this Notice of Violation and wish to settle this matter under the terms below, please sign and return this document on or before **May 26, 2010**, to:

Idaho Bureau of Occupational Licenses
Owyhee Plaza
1109 Main Street, Suite 220
Boise, ID 83702-5642

TERMS OF SETTLEMENT:

1. This settlement is a disciplinary action. I have read, understand and admit the violation(s) set forth above. I further understand that this settlement constitutes cause for disciplinary action upon my license to practice acupuncture in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify myself; the right to reconsideration of the Board's orders; the right to judicial review of the Board's orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of acupuncture in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this settlement as a resolution of the Notice of Violation.

3. I understand that in signing this settlement I am enabling the Board to impose disciplinary action upon my license without further process.

4. I agree to pay to the Board an administrative fine in the amount of Two Hundred Fifty and No/100 Dollars ($250.00) within thirty (30) days of entry of the Board's Order accepting this settlement.

5. I agree to pay to the Board its costs in bringing this matter in the amount of One Hundred and No/100 Dollars ($100.00) within thirty (30) days of entry of the Board's Order accepting this settlement.

6. 15 hours of qualifying instruction that I have taken since my renewal date will be applied to my deficiency for the one-year audit period ending July 17, 2007. These hours applied to my deficiency will be not applied to any other renewal year.

7. When I renew my license in 2010 and 2011, I will submit with my License Renewal Application documentation verifying completion of the required continuing education.

8. My violation of any of these terms may warrant further Board action. The Board retains jurisdiction over this matter until it is finally resolved according to its terms.

9. The Chief of the Bureau of Occupational Licenses will present this signed settlement to the Board. I understand that the Board may accept, modify with my approval, or reject this settlement, and that if the Board rejects this settlement, an administrative Complaint may be filed against me with the Board. I waive any right I may have to challenge the Board's impartiality to hear the allegations in the administrative Complaint based on the fact that the Board has considered and rejected this settlement. I do not waive any other rights regarding challenges to Board members.

10. If the Board rejects this settlement then, except for my waiver set forth in Paragraph 9, this settlement will be null and void, and admissions in this settlement will not be admissible at any subsequent disciplinary hearing.

DATED this 29 day of April, 2010.

Documentation received previously

Respondent

ORDER:

It is so ordered that this settlement be approved this 3 day of June, 2010.

IDAHO BOARD OF ACUPUNCTURE

By

Board Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of June, 2010, I caused to be served a true and correct copy of the foregoing by the following method to:

Rachel L. Smith
P.O. Box 4293
McCall, ID 83638

- [x] U.S. Mail
- [ ] Hand Delivery
- [x] Certified Mail, Return Receipt Requested
- [ ] Overnight Mail
- [ ] Facsimile: _____

Tana Cory

Tana Cory, Chief
Bureau of Occupational Licenses