

CONSENT CALENDAR

April 26, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred SB 282,

AN ACT (New Title) relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. William Marsh

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	SB 282
Title:	(New Title) relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist.
Date:	April 26, 2022
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2022-1596h

STATEMENT OF INTENT

This bill is the companion bill to HB1192, recently passed by the Senate. That bill makes necessary changes to occupational licensing requirements for acupuncture as requested by their Board. All parties were in agreement with the language passed in the Senate, and the ED&A Committee concurred. This bill incorporates a number of additional changes, all requested by the board. These include changing "oriental medicine" to "Asian medicine"; providing that if the national organization that sets their standards were to change their name, further legislation would not be necessary; and providing greater flexibility to the Board recognizing continuing education in granting licenses. ED&A recommends ought to pass as amended with amendment 1596h.

Vote 19-0.

Rep. William Marsh
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

SB 282, (New Title) relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Executive Departments and Administration. This bill is the companion bill to HB1192, recently passed by the Senate. That bill makes necessary changes to occupational licensing requirements for acupuncture as requested by their Board. All parties were in agreement with the language passed in the Senate, and the ED&A Committee concurred. This bill incorporates a number of additional changes, all requested by the board. These include changing "oriental medicine" to "Asian medicine"; providing that if the national organization that sets their standards were to change their name, further legislation would not be necessary; and providing greater flexibility to the Board recognizing continuing education in granting licenses. ED&A recommends ought to pass as amended with amendment 1596h.

Vote 19-0.

Original: House Clerk

Cc: Committee Bill File

Amendment to SB 282

1 Amend the bill by replacing sections 4 and 5 with the following:

2

3 4 License Issuance; Certification. RSA 328-G:9, II is repealed and reenacted to read as follows:

4 II. The board shall issue a license to any applicant who satisfies all of the following
5 requirements:

6 (a) Has reached the age of majority.

7 (b) Has current, active NCCAOM certification, or prior NCCAOM certification with
8 documentation of continuing education pursuant to paragraph X of this section, or equivalent
9 certification approved by the board through examination or Credentials Documentation Review.

10 (c) Has paid the required license application fee and filed the board approved licensure
11 application.

12 (d) Is of good professional character.

13 (e)(1) Has earned a baccalaureate, registered nurse, or physician's assistant degree from
14 an accredited institution, and has a current, valid license to practice acupuncture from another state
15 whose requirements are substantially equal to or exceed the requirements of RSA 328-G:9, II; or

16 (2) Has successfully completed a post-secondary acupuncture college program which
17 is approved by the Accreditation Commission for Acupuncture and Herbal Medicine ("ACAHM"),
18 including its successors or predecessors, or the board; or

19 (3) Has successfully completed an apprenticeship program that, at the time of
20 completion, was in compliance with certification standards set by NCCAOM, including its successors
21 or predecessors. All applicants seeking licensure via apprenticeship route who have not graduated
22 from an accredited acupuncture school must be able to meet all NCCAOM standards for certification
23 or hold a valid license to practice acupuncture from another state whose requirements are
24 substantially similar to or exceed the requirements of RSA 328-G:9, II.

25 5 License Renewal; Continuing Education. RSA 328-G:9, X is repealed and reenacted to read as
26 follows:

27 X. As a condition of renewal of license, the board shall require each licensee to show proof of
28 having completed for each biennial period continuing education units at approved institutions or as
29 approved by the board in accordance with rules adopted by the board. Maintaining continuous
30 NCCAOM certification shall fulfill the continuing education requirement.

31

32 Amend the bill by replacing all after section 6 with the following:

Amendment to SB 282

- Page 2 -

1 7 Acupuncture; Findings and Purpose; Definitions. Amend RSA 328-G:1 and RSA 328-G:2 to
2 read as follows:

3 328-G:1 Findings and Purpose.

4 I. The general court finds that a significant number of New Hampshire residents choose
5 acupuncture and [~~oriental~~] **Asian** medicine to be part of their health care needs and declares that
6 acupuncture and [~~oriental~~] **Asian** medicine form a distinct health care profession that affects the
7 public health, safety, and welfare and provides freedom of choice in health care.

8 II. The purpose of this chapter is:

9 (a) To provide standards for the licensing and regulation of acupuncturists in order to
10 protect the public health, safety, and welfare.

11 (b) To ensure that acupuncture and [~~oriental~~] **Asian** medical therapies practiced by
12 qualified persons are available to the people of New Hampshire.

13 (c) To provide a means of identifying qualified acupuncturists.

14 328-G:2 Definitions.

15 In this chapter:

16 I. "Acupuncture" means primarily the insertion of needles through the skin at certain points
17 on the body, with or without the application of electric current and/or heat, for the purpose of
18 promoting health and balance as defined by the principles of [~~oriental~~] **Asian** medicine.

19 II. "Acupuncturist" means a person licensed to practice acupuncture as defined in this
20 chapter, and whose license is in good standing.

21 III. "Board" means the board of acupuncture licensing established under RSA 328-G:3.

22 IV. "Cupping" means a therapeutic method of [~~oriental~~] **Asian** medicine that utilizes a
23 partial vacuum created in a glass dome or cup that is then applied to a particular area of the body.

24 V. "Moxibustion" means the thermal stimulation of acupuncture points or specific body
25 areas by utilizing the burning of the dried form of the herb, *Artemisia Vulgaris*; the heat may be
26 applied on or above specific points or areas or on the acupuncture needle itself.

27 VI. [~~"ACAOM"~~] **"ACAHM"** means the Accreditation Commission for Acupuncture and
28 [~~Oriental~~] **Herbal** Medicine, *including its predecessors and successors*.

29 VII. "NCCAOM" means the National Certification Commission for Acupuncture and
30 Oriental Medicine, *including its predecessors and successors*.

31 VIII. "[~~Oriental~~] **Asian** medicine" means the distinct system of health care that diagnoses
32 and treats illness, injury, pain, or other conditions by controlling and regulating the flow and
33 balance of energy to restore and maintain health.

34 IX. "Acupuncture detoxification," also known as acu-detox, means the treatment by means of
35 the insertion of acupuncture needles in a combination of points on the ear.

36 X. "Acupuncture detoxification specialist," known as an ADS, means an individual certified
37 by the board to practice acupuncture detoxification in this state.

1 XI. "NADA" means the National Acupuncture Detoxification Association, *including its*
2 *predecessors and successors.*

3 XII. "NADA training" means the standardized auricular acupuncture protocol developed by
4 NADA that is in effect on July 1, 2017.

5 8 Acupuncture; Scope of Practice. Amend RSA 328-G:10, I to read as follows:

6 I. Under this chapter the scope of practice of acupuncture shall include the allied techniques
7 and modalities of [~~oriental~~] *Asian* medicine, both traditional and modern. The scope of practice
8 shall include: diagnostic procedures; electrical and magnetic stimulation; moxibustion and other
9 forms of heat therapy; cupping and scraping techniques; dietary, nutritional, and herbal therapies;
10 lifestyle counseling; acupressure; and massage.

11 9 Contingency. If HB 1192 of the 2022 regular legislative session becomes law, then this act
12 shall take effect at 12:01 a.m. on the effective date of HB 1192. If HB 1192 does not become law,
13 then sections 1-8 of this act shall take effect 60 days after passage of this act.

14 10 Effective Date.

15 I. Sections 1-8 of this act shall take effect as provided in section 9 of this act.

16 II. The remainder of this act shall take effect upon its passage.

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on SB 282

BILL TITLE: (New Title) relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist.

DATE: April 25, 2022

LOB ROOM: 302 - 304

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Marsh

Seconded by Rep. T. Lekas

AM Vote: 19-0

Amendment # 2022-1596h

Moved by Rep. Marsh

Seconded by Rep. T. Lekas

Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jaci Grote, Acting Clerk



2022 SESSION

Executive Departments and Administration

Bill #: SP2282 Motion: OTPA AM #: 1596h Exec Session Date: 1/25

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	✓		
Rhodes, Jennifer M. Vice Chairman	✓		
Sytek, John Clerk <i>Dept</i>	✓		
Pearson, Stephen C.	✓		
Yakubovich, Michael <i>Jolsom</i>	✓		
Lekas, Tony	✓		
Alliegro, Mark C.	✓		
Bailey, Glenn	✓		
Lanzara, Tom E.	✓		
Santonastaso, Matthew	✓		
Goley, Jeffrey P.	✓		
Schuett, Dianne E.	✓		
Jeady, Jean L.	✓		
Schmidt, Peter B.	✓		
Marsh, William M.	✓		
Fellows, Sallie D.	✓		
Fontneau, Timothy J.	✓		
Grote, Jaci L.	✓		
O'Brien, Michael B. <i>Jenneth</i>	✓		
TOTAL VOTE:	19	0	



2022 SESSION

Executive Departments and Administration

Bill #: SB282 Motion: Adopt Amendment AM #: 1596h Exec Session Date: 1/25

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	✓		
Rhodes, Jennifer M. Vice Chairman <i>Mervin</i>	✓		
<i>7</i> Sytek, John Clerk <i>Plett</i>	✓		
Pearson, Stephen C.	✓		
Yakubovich, Michael <i>Fokum</i>	✓		
Lekas, Tony	✓		
Alliegro, Mark C.	✓		
Bailey, Glenn	✓		
Lanzara, Tom E.	✓		
Santonastaso, Matthew	✓		
Goley, Jeffrey P.	✓		
Schuett, Dianne E.	✓		
Jeudy, Jean L.	✓		
Schmidt, Peter B.	✓		
Marsh, William M.	✓		
Fellows, Sallie D.	✓		
Fontneau, Timothy J.	✓		
Grote, Jaci L.	✓		
O'Brien, Michael B. <i>Gormalo</i>	✓		
TOTAL VOTE:	19	0	

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION on SB 282

BILL TITLE: (New Title) relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist.

DATE: 4/15 1PM - 4:50PM

Subcommittee Members: Reps. T. Lukas, Rhodes, Lanzara, Marsh and Grote

Comments and Recommendations:

Subcommittee worked through SB 282 and HB 1192 passed through Senate and amended by both bodies - also worked with acupuncturists & acupuncturist board members to amend SB 282. Next subcommittee meeting Tuesday April 19 @ 9:30 to vote on amendment.

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) amendment. (Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. [Signature] Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION on SB 282

BILL TITLE: (New Title) relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist.

DATE: April 15, 2022

Subcommittee Members: Reps. T. Lekas, Lanzara, Marsh and Grote

Comments and Recommendations: SB282 and HB1192 passed through Senate and amended by both bodies. Also worked with accupuncturists and board members to amend SB282. Nest Su-Committee meeting is Tuesday, April 19th at 9:30 a.m. to vote on amendment.

Respectfully submitted,

Rep. Jaci Grote
Subcommittee Clerk

SUBCOMMITTEE WORK SESSION on SB 282

BILL TITLE: (New Title) relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist.

DATE: April 19, 2022

Subcommittee Members: Reps. T. Lekas, Rhodes, Lanzara, Marsh and Grote

Room 104

Comments and Recommendations:

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. MARSH Seconded by Rep. GROTE AM Vote: 3-0

Adoption of Amendment # 2022-15964

Moved by Rep. MARSH Seconded by Rep. LEKAS Vote: 3-2

Amendment Adopted Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

Amendment Adopted Amendment Failed

Respectfully submitted,

Rep. Taylor
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION on SB 282

BILL TITLE: (New Title) relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist.

DATE: April 19, 2022

Subcommittee Members: Rep. Grote

Comments and Recommendations:

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Marsh

Seconded by Rep. Grote

AM Vote: 3-0

Amendment # 2022-1596h

Moved by Rep. Marsh

Seconded by Rep. T. Lekas

Vote: 3-0

Respectfully submitted,

Rep. Tony Lekas
Subcommittee Chairman

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON SB 282

BILL TITLE: (New Title) relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist.

DATE: April 11, 2022

LOB ROOM: 302-304 **Time Public Hearing Called to Order:** 1:00 p.m.

Time Adjourned: 1:15 p.m.

Committee Members: Reps. McGuire, Rhodes, Sytek, S. Pearson, T. Lekas, Yakubovich, Alliegro, Bailey, Santonastaso, Goley, Schuett, Jeudy, P. Schmidt, Marsh, Fellows, Fontneau, Grote and O'Brien

Bill Sponsors:

Sen. Reagan
Sen. Gannon
Sen. Giuda

Sen. Avard
Sen. Carson
Rep. Spillane

Sen. French
Sen. Watters
Rep. McGuire

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

(Prior to the lunch break, Sen. Reagan said that this bill was not ready. He said that he had been going back and forth with the Board of Acupuncture but there was no amendment at this time.)

Rep. Grote introduced the bill. Rep. McGuire said that this bill would go to Rep. Lekas's subcommittee.

Elizabeth Ropp testified in support of amending the bill. She describes the various provisions that she was seeking such as exam equivalence, term limits, the statutory obligation of belonging to a non-useful national organization.

Laura Cooley, licensed acupuncturist, described what the acupuncturists want such as recognition of other states licensing.

Molly Gendreau, license acupuncturist and board member of the Acupuncture and Asian Medicine Ass'n, spoke in support of the bill as is. She described the various provisions of the bill.

Cindy Theroux-Lette, Chair the NH Acupuncture Licensing Board, that the amendments which appeared were from the Board and she was supportive. One addition she would like was to remove the word "oriental" and replace it with "Asian." She described a conversation with Sen. Reagan who wanted to see a "replace all" amendment which would address continuing education requirements. She took Committee questions.

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill SB282 on 2022-04-11

Support: 2 Oppose: 0 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Carson, Senator Sharon	SD 14, NH sharon.carson@leg.state.nh.us	An Elected Official	Myself	Support	No	No	4/4/2022 9:57 AM
Giuda, Bob	Warren, NH daley.frenette@leg.state.nh.us	An Elected Official	Senate District 2	Support	No	No	4/11/2022 9:58 AM

Archived: Thursday, May 19, 2022 9:57:01 AM
From: Molly Gendreau
Sent: Monday, April 18, 2022 12:43:00 PM
To: ~House Executive Departments and Administration
Subject: NHAAMA Board Supports SB 282 Amended Friday, April 15th
Importance: Normal

Dear House Executive Department and Administration,

The board members of the New Hampshire Acupuncture and Asian Medicine Association have reviewed and are in full support of the amendments made to SB 282 on Friday, April 15th. Thank you so much for your additional time and attention spent on SB 282, HB 1192, and for supporting our profession.

Respectfully,

The New Hampshire Acupuncture and Asian Medicine Association (NHAAMA) Board
Adam Learner <alearner@acufamily.com>, President
Amy O'Dell Wilson <amyodellwilson@gmail.com>, Vice President
Molly Gendreau <mollyegendreau@gmail.com>, Treasurer
Lindsey Sisson <lindsey@greatbayacu.com>, Secretary
Andrea Kolgin <akolgin@resilienceandhope.com> Member at Large

VIA EMAIL

L. Cindy Theroux-Jette, PhD, OT/L, LAc
60 Main Street, Suite 310, Nashua, NH 03060
reception@aimaofnashua.com 603-718-8328

NH House Executive Departments & Administration Committee
Legislative Office Building, Room 302-304
33 North State Street, Concord, NH 03301
HouseExecutiveDepartmentsandAdministration@leg.state.nh.us

Date: April 5, 2022

Re: SB282 Board of Acupuncture Licensing Testimony

Dear Chairman McGuire and members of the House ED&A committee,

I hope this letter finds you well. I currently serve as Chair of the NH Board of Acupuncture Licensing and for the purposes of this testimony I am writing on behalf of the Board. The Board has reviewed SB282 and my comments represent those of the Board.

Professionally, I am a nationally board certified and actively practicing NH Licensed Acupuncturist with 20+ years of experience, and 30+ years of experience as a NH Licensed Occupational Therapist. I am President Emeritus of the New Hampshire Acupuncture Asian Medicine Association (the state level professional association for Licensed Acupuncturists) and served in that role for seven years prior to being invited to seek appointment to the New Hampshire Board of Acupuncture Licensing by the Board founders, and I have been serving in this role for ten years.

SB282 unanimously passed in the Senate with all the amendments that were initiated by this Board. This bill allows licensed acupuncturists with a doctoral degree in acupuncture to use the title in their acupuncture practice, modifies term limits for Board members, and addresses continuing education requirements and conditions for licensure.

The Board would like to ask the committee to include one additional amendment: please amend the bill by changing the word “Oriental” in the instances it is mentioned throughout RSA 328-G.

The profession has been steadily making the change away from “Oriental” to “Asian” because the word “Oriental” is offensive to many and we at the Board of Acupuncture Licensing recognize the need to do make this change, as well. The state level professional association for Licensed Acupuncturists changed its name and is now called the “New Hampshire Acupuncture and Asian Medicine Association”, for example. The Board wishes to follow what the leaders and agencies that set the standards for our profession are doing, and the current standard is to use “Asian” in reference to “Asian medicine” instead of “Oriental” for “Oriental medicine”.

Of note — this word “Oriental” is used in 9 instances throughout the statute, but in two places it is contained within the name of an agency. One agency has already updated its name, while the other has not yet done so:

- In RSA 328-G:2(VI), “ACAOM” has officially changed their name to “ACAHM” for “Accreditation Commission for Acupuncture and Herbal Medicine” and the statute should reflect that, so we ask if you could please make that change?
- We have also been adding “including its successors or predecessors” after the name of an agency, as a means to account for when and if agencies change their names in the future. Would you please do that, as well?
- In RSA 328-G:2(VII), “NCCAOM” has not officially changed their name yet, and as such, we’ll have to leave that as is, but we ask you to please add “including its successors and predecessors” to account for the upcoming change.

Board alternates. The Board understands that the committee has been adding alternate members to small Boards for the purpose of achieving quorum, which makes sense for Boards that are challenged by lack of quorum. The Board of Acupuncture Licensing is a highly efficient, effective, and well-functioning Board with good chemistry, and we have never having a quorum issue for over 20 years, since its inception back in 1997. If it is a requirement that an accommodation be made, we ask that the language used in the statute for Mental Health Practice (330-A:9 Organization and Meetings) be adopted for our Board: "When a quorum is not available for just and timely resolution of a specific matter, former board members or advisory committee members may be appointed by the board to serve as acting board members for purposes of obtaining the minimum quorum in the resolution of that specific matter or when a particular profession cannot be represented in an adjudicatory hearing."

The Board is in agreement with all of the other existing SB282 amendments. Provided for reference in the remainder of this email is our rationale for agreement with the existing amendments. The Board initiated this legislation and is in favor of it as it is written, with all amendments that were adopted by the Senate. There is currently an identical bill in Senate ED&A, HB1192, that had passed in the House with inclusion of all amendments suggested by this Board.

RSA 328-G:9, V(b); language allowing licensed acupuncturists who have received a doctoral degree in the practice of acupuncture to use the title. When the Board of Acupuncture Licensing was founded in 1997, no doctoral level training programs were in existence, but now there are many and the Board wishes to allow licensees with doctoral degrees in acupuncture the ability to utilize the title they have earned.

RSA 328-G:3, III; language addressing terms of office. Many Boards comprised of volunteers have holdover status language, including the Allied Health Board, the Medical Board, and the board of Chiropractic Examiners. The Board of Acupuncture Licensing seeks to include holdover language, as well, and would like to mirror existing language from the statute of other Boards that is appropriate for its use. This provides for consistency in statute language across all boards. To my understanding it has typically also been the preference of the legislature to streamline Board statute in this way. We are a volunteer Board and do not want to restrict a member from resigning. As such, the Board deliberately chose the word "or" and avoided the use of "and" in the sentence "*Members shall serve until the expiration of the term for which they have been appointed or until their successors have been appointed and qualified*". Other Board statutes with holdover language currently read this way, and the reference for this can be found in RSA 328-F:4. This language matches existing language in statute for many other boards, including all seven NH Allied Health professions: physical therapists, occupational therapists, speech therapists, respiratory therapists, genetic counselors, recreational therapists and athletic trainers.

RSA 328-G:9, II(a); language addressing license issuance and age. The Board recognizes that the age of majority could change over time and as such, voted for it to read: "Has reached age of majority as recognized in New Hampshire". This language allows flexibility in reflecting a current State of NH definition of age of majority.

RSA 328-G:9, II(b); language addressing license issuance and certification required. Specifying certification status as "current and active" is important because certifying agencies offer different levels of certification status. NCCAOM offers "lapsed status" which is when a recertification application isn't processed before the certification expires. NCCAOM also has "inactive status" for acupuncturists who are not practicing – which is subsequently terminated if they don't return to active status within three years. As such, the Board voted for it to include the language "current, active" in describing the required certifications.

RSA 328-G:9, II(c); language addressing license fee. The Board feels exact fee amounts should not be included in statute, as this could change in the future.

RSA 328-G:9, II(d); language addressing character. The Board feels consideration of moral character for licensing acupuncturists is critical, and this language should remain in the statute. The Board further recognizes that the term "professional character" is being used in other Board statutes and may be a better way to describe the required character of a licensee than "moral character". In consideration of efforts to provide for consistency in statute language across all Boards it is of note that this language exists in the statute of many Boards including the Medical Board, Dental Board, and Psychologist Board – all of these have the language "of good professional character."

RSA 328-G:9, II(e)(1) and (2); language addressing completion of a post-secondary acupuncture college program. The Board feels that this educational program must be accredited by an industry recognized accrediting agency, and the current accreditation agency for licensed acupuncturists is the Accreditation Commission for Acupuncture and Herbal Medicine, or ACAHM. It is the opinion of the Board that the language “including its successors or predecessors” after citing “ACAHM certification” makes allowance for the fact that agencies can change their names.

RSA 328-G:9, II(e)(3); language addressing reciprocity, apprenticeship and internship programs. It is the opinion of the Board that the language “including its successors or predecessors” after use of the term “NCCAOM” makes allowance for the fact that agencies can change their names. Reciprocity is covered in RSA 332-G and the Board is in agreement. The NCCAOM is the national board examination and certification agency for licensed acupuncturists and is recognized in the profession as the agency that sets the standard for competency and safety in acupuncture practice. NCCAOM eliminated the internship and apprenticeship route to certification effective 12/31/2021 because it does not provide an adequate standard of training. The Board agreed with this and has voted to eliminate this language. The Board agreed to provide a route for those who completed an apprenticeship program prior to 12/13/2021 that was in compliance with NCCAOM standards at the time of completion.

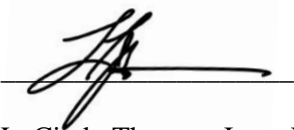
RSA 328-G:9, X; language addressing continuing education. It is the opinion of the Board that acupuncturists should be able to use the continuing education units that they acquire for maintaining their current and active national board certification toward their NH acupuncture license continuing education requirements.

RSA 328-G:9-a, II(b); language addressing supervision. There is nothing in either the statute or rules requiring supervisory site visits to be “in-person”, and the Board recognizes the need to provide accessibility options for supervisory visits. In consideration of efforts to provide for consistency in statute language across all Boards, it is of note that this language exists in the statute of other Boards. The Physical Therapy Practice Act states: "General supervision" means that the physical therapist is not required to be on-site for direction and supervision, but must be available at least by telecommunications." Physicians and osteopaths do not receive training in acupuncture detoxification unless they seek it out as an additional specialty area post-graduation, and as such it is the opinion of the Board that supervising professionals should hold training specific to acupuncture. Licensed acupuncturists hold this training and are the most qualified professionals to provide supervision of acupuncture detoxification specialists.

In closing, the Board asks you to please include one additional amendment changing the word “Oriental” to “Asian” throughout RSA 328-G, with the exceptions for agency names as noted earlier, consider utilizing the language in the Mental Health Practice statute if accommodation must be made for alternate members, and please keep all other existing amendments. These Board suggested amendments are included in HB1192, the identical bill that unanimously passed in the House.

Chairman McGuire and committee members, thank you for your thoughtful consideration of the above testimony prior to taking action on this bill. Please reach out with any questions or comments. I sincerely thank you for your valuable time.

Sincerely,



L. Cindy Theroux-Jette, PhD, OT/L, LAc
Chair, Board of Acupuncture Licensing
reception@aimaofnashua.com 603-718-8328

Archived: Thursday, May 19, 2022 9:57:01 AM
From: reception@aimaofnashua.com
Sent: Friday, April 15, 2022 1:30:56 PM
To: ~House Executive Departments and Administration
Subject: SB282 Work Session 4/15/22
Importance: Normal

Dear Chairman McGuire and members of the House ED&A committee,

I realize you are likely in session reviewing SB282 as I write. The Board of Acupuncture Licensing submitted a replace all amendment per the suggestion of Senator Reagan and you should have that in front of you. There are two members of the Board of Acupuncture Licensing there to answer any questions you may have, Vicki Irwin and Diane Chase. I could not attend today, but please don't hesitate to reach out if I can be of assistance. If you call, please leave a message as I do screen calls. Thank you for your work on this bill.

Sincerely,

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SB 282 - AS AMENDED BY THE SENATE

02/03/2022 0080s

2022 SESSION

22-2880

11/04

SENATE BILL **282**

AN ACT relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist.

SPONSORS: Sen. Reagan, Dist 17; Sen. Avard, Dist 12; Sen. French, Dist 7; Sen. Gannon, Dist 23; Sen. Carson, Dist 14; Sen. Watters, Dist 4; Sen. Giuda, Dist 2; Rep. Spillane, Rock. 2; Rep. McGuire, Merr. 29

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill allows certain persons licensed by the board of acupuncture licensing who are doctors of acupuncture to use that title. The bill limits board of acupuncture licensing members to 2 consecutive full terms. The bill also provides for alternative certification for licensure or renewal and modifies a definition of general supervision of an acupuncture detoxification specialist.

.....

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Acupuncture; Titles for Licensees. Amend RSA 328-G:9, V to read as follows:

2 V.(a) Whoever, not being licensed or exempted as provided in this chapter, shall advertise
3 oneself or in any way hold oneself out as qualified to practice acupuncture, or shall practice
4 acupuncture, or whoever does so after receiving notice that one's license has been revoked, and
5 whoever, being licensed as provided in this chapter, shall advertise or call oneself or allow oneself to
6 be advertised or called a physician or a doctor in such a way as to imply that such credential relates
7 to the provision of acupuncture services, or use any physician's or doctor's insignia for such purposes
8 shall be in violation of this chapter.

9 (b) *Notwithstanding subparagraph (a), the only persons licensed under this*
10 *chapter that shall be allowed to call themselves a doctor shall be those who have earned a*
11 *doctoral degree in the practice of acupuncture from an accredited educational institution*
12 *or other program approved by the board pursuant to administrative rules.*

13 2 Board of Acupuncture Licensing; Qualification. Amend RSA 328-G:3, I(a)(1) to read as follows:

14 (1) ~~[Be NCCAOM certified and] Hold a current, valid license to practice acupuncture~~
15 ~~[in another state in which licensure requirements are substantially equivalent to, or higher than,~~
16 ~~those of this state, in the case of the initial board appointees, and a current, valid license to practice]~~
17 under this chapter~~[, in the case of subsequent board appointees].~~

18 3 Board of Acupuncture Licensing; Terms. Amend RSA 328-G:3, III to read as follows:

19 III. The terms of office shall be 3 years for all board members. *No member shall serve*
20 *more than 2 consecutive full terms. Members shall serve until the expiration of the term for*
21 *which they have been appointed, or until their successors have been appointed and*
22 *qualified, whichever is later.* The initial board appointees shall consist of one acupuncturist for a
23 term of 3 years, one acupuncturist for a term of 2 years, 2 acupuncturists for a term of one year each,
24 and one public member for a term of 3 years. A member may be removed from office by the governor
25 and council for malfeasance, misfeasance, or dishonorable conduct.

26 4 License Issuance; Certification. Amend RSA 328-G:9, II to read as follows:

27 II. The board shall issue a license to any applicant who satisfies all of the following
28 requirements:

29 (a) ~~[Is 21 years of age or older]~~ *Has reached the age of majority.*

30 (b) *Has current, active NCCAOM certification or equivalent certification approved*

1 *by the board* through examination or Credentials Documentation Review.

2 ~~[(e) Has successfully completed an NCCAOM approved Clean Needle Technique Course.]~~

3 ~~[(d) (c) Has paid the [\$110] required license application fee and filed the board~~
4 ~~approved licensure application [established by the board].~~

5 ~~[(e) (d) Is of good [moral] professional character.~~

6 ~~[(f) (e)(1) Has earned a baccalaureate, registered nurse, or physician's assistant degree~~
7 ~~from an accredited institution[. An applicant who possesses], and has a current, valid license to~~
8 ~~practice acupuncture from another state [who meets all other requirements of licensure may have~~
9 ~~this requirement waived at the discretion of the board.] whose requirements are substantially~~
10 ~~equal to or exceed the requirements of RSA 328-G:9, II; or~~

11 ~~[(g) (2) Has successfully completed a post-secondary acupuncture college program~~
12 ~~which is [ACAOM] approved by the Accreditation Commission for Acupuncture and Herbal~~
13 ~~Medicine ("ACAHM"), including its successors or predecessors, or the board [approved. For~~
14 ~~one year from the date on which the first license is issued this requirement will be waived for an~~
15 ~~applicant who possesses a current, valid license to practice acupuncture in another state, provided~~
16 ~~that the applicant meets the other requirements of this chapter. After one year from the date on~~
17 ~~which the first license is issued, this requirement may only be waived at the discretion of the board.~~
18 ~~The board of acupuncture licensing will review on a case by case basis valid apprenticeship programs~~
19 ~~that demonstrate a balanced approach of clinical training and fundamental sciences and that~~
20 ~~conform to NCCAOM standards. In addition, all applicants who have not graduated from an~~
21 ~~accredited acupuncture school must show proof of successful completion of a college level course in~~
22 ~~anatomy and physiology.]; or~~

23 (3) *Has successfully completed an apprenticeship program that was in*
24 *compliance with NCCAOM standards for certification at the time of completion. All*
25 *applicants seeking licensure via apprenticeship route who have not graduated from an*
26 *accredited acupuncture school must be able to meet all NCCAOM standards for*
27 *certification or hold a valid license to practice acupuncture from another state whose*
28 *requirements are substantially similar to or exceed the requirements of RSA 328-G:9, II.*

29 5 License Renewal; Continuing Education. Amend RSA 328-G:9, X to read as follows:

30 X. ~~[As a condition of renewal of license, the board shall require each licensee to show proof of~~
31 ~~having completed for each biennial period 30 continuing education units at approved institutions or~~
32 ~~as approved by the board. Maintaining continuous NCCAOM certification shall fulfill the continuing~~
33 ~~education requirement as long as NCCAOM certification continues to require at least 30~~
34 ~~Professional Development Activity points for each biennium] *Maintaining current, active*~~
35 ~~*NCCAOM certification shall fulfill the continuing education requirement.*~~

36 6 Acupuncture Detoxification Specialist; General Supervision. Amend RSA 328-G:9-a, II(b) to
37 read as follows:

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1 (b) "General supervision" [~~includes, but is not limited to, being available by phone, or~~
2 ~~other electronic means during business hours, with at least 2 site visits by a licensed acupuncturist a~~
3 ~~year]~~ *shall be provided by site visit, phone, or other electronic means during business hours*
4 *with at least 2 site visits per year by a licensed acupuncturist currently licensed in New*
5 *Hampshire pursuant to RSA 328-G:9. The supervising licensed acupuncturist shall not be*
6 *required to be on site for direction and supervision, but shall be available at least by*
7 *telecommunications.*

8 7 Effective Date. This act shall take effect 60 days after its passage.