

Notice Number 2022-170

Rule Number Acp 300 various

<p>1. Agency Name &amp; Address:</p> <p><b>Board of Acupuncture Licensing c/o Office of Professional Licensure &amp; Certification 7 Eagle Square Concord, NH 03301</b></p>	<p>2. RSA Authority: <u>RSA 328-G:7, I, III, X, XI, and XIII</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p>Adoption <u>X</u></p> <p>Repeal <u>X</u></p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **License Requirements, Applications, and Fees**

6. (a) Summary of what the rule says and of any proposed amendments:

**The Board of Acupuncture Licensing is proposing to adopt, repeal, and readopt with amendment various provisions of Acp 300 which includes the following:**

**Acp 301.01 describes the application process and is being readopted with amendment to change the date of expiration from biennially on June 30<sup>th</sup> to the last day of the month 2 years from the date of issuance.**

**Acp 301.02 describes the application form and is being readopted with amendment to:**

- **Remove a copy of the diploma awarded as one of the supporting documents to prove education requirements have been met;**
- **Change documentation of current status of applicants certification from NCCAOM from “Whether the current certification is for acupuncture only or for acupuncture and herbal medicine for oriental medicine documentation of “specific NCCAOM certification practice area”;**
- **Change “Oriental” to “aisan” medicine; and**
- **Change “moral” to “good professional” character.**

**Acp 301.03 expired 6/27/2022 and is being adopted to describe application denial.**

**Acp 302.01 expired 6/27/2022 and is being adopted to describe personal qualifications including the age the applicant must be to apply and good professional character.**

**Acp 302.02 expired 6/27/2022 and is being adopted to describe certification requirements for licensure changing “An applicant shall hold current, active NCCAOM certification through examination or Credentials Documentation Review” to “An applicant shall hold current, active NCCAOM certification or prior NCCAOM certification”.**

**Acp 302.03 expired 6/27/2022 and is being adopted to describe the degree requirements and waivers of that requirement including the alternate pathways.**

**Acp 302.04 expired 6/27/2022 and is being adopted to describe the acupuncture education requirements.**

**Acp 302.05 expired 6/27/2022 and is being adopted to describe the waiver of the educational requirements and includes practice in another state, training through an apprenticeship program, non-accredited schools or colleges and is being readopted.**

**Acp 303.01 expired 6/27/2022 and is being adopted to describe ACAHM accreditation or candidate schools and is being readopted.**

**Acp 304.01 expired 6/27/2022 and is being adopted to describe temporary teaching license including the requirements and restrictions and is being readopted**

**Acp 304.02 expired 6/27/2022 and is being adopted to describe interns sponsored on a limited, supervised, and temporary bases including description of sponsors, submission of a letter of application, documentation and is being adopted**

**Acp 305.01 expired 6/27/2022 and is being adopted to describe the licensees' obligations regarding student observers and office assistants.**

**Acp 306.01 describes the fees schedule for initial and renewal application fee and is being readopted with amendment to change the fee from \$110.00 to \$155.00.**

**Acp 307.01 expired 6/27/2022 and is being adopted to describe exemptions for persons licensed under NH RSA 316-A and the petition to be submitted to the Board.**

**Acp 308.01 expired 6/27/2022 describes the roster and directory of licensed acupuncturists and is being repealed.**

6. (b) Brief description of the groups affected:

**The groups affected by these rules are current licensees and those individuals applying to become licensed as an acupuncturists in the State of NH.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<b>RULE</b>	<b>SPECIFIC STATE STATUTE THE RULE IMPLEMENTS</b>
Acp 301.01	RSA 328-G:7, I and RSA 541-A:29
Acp 301.02	RSA 328-G:7, I and RSA 541-A:16, I(b)(1)
Acp 301.03	RSA 328-G:7, V, RSA 328-G:9, II and RSA 541-A:29, II(a)
Acp 302.01	RSA 328-G:9, II
Acp 302.02	RSA 328-G:9, II
Acp 302.03	RSA 328-G:9, II and RSA 328-G:7, I
Acp 302.04	RSA 328-G:9, II(g) and RSA 328-G:7
Acp 302.05	RSA 328-G:9, II(g) and RSA 328-G:7
Acp 303.01	RSA 328-G:9, II(g) and RSA 328-G:7, VI
Acp 304.01	RSA 328-G:7, XI
Acp 304.02	RSA 328-G:7, X
Acp 304.03	RSA 328-G:7, X
Acp 305.01	RSA 328-G:9 and RSA 328-G:7, XIII
Acp 306.01	RSA 328-G:9, IX and RSA 328-G:7, II
Acp 307.01	RSA 328-G:1, II(b); 328-G:9, I & VIII
Acp 308.01 (repealed)	RSA 328-G:11, I(e) and RSA 328-G:7, IV

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Tina Kelley** Title: **Program Specialist IV**  
Address: **Office of Professional Licensure and Certification** Phone #: **(603) 271-5247**  
**7 Eagle Square** Fax#: **None**  
**Concord, NH 03301** E-mail: **OPLC-Rules@oplcnh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, November 7, 2022 at 4:00 pm.**

Fax  E-mail  Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, October 28, 2022 at 10:30 a.m.**

Place: **Office of Professional Licensure and Certification**  
**7 Eagle Square**  
**Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 22:171, dated 8/29/2022

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no difference in costs when comparing the proposed rules to the existing rules. Not applicable to Acp 301.03, Acp 302.01 thru Acp 302.5, ACP 303.01, Acp 304.01, Acp 304.02, Acp 305.01, Acp, 306.01, Acp 307.01 and Acp 308.01 as the previous rules expired in June 2022.

**2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rule(s):**

When compared to the expired rules, Acp 306.01 increases the fee schedule for initial acupuncture applications and license renewals from \$110 to \$155, a \$45 increase. For FY 2022 and FY 2023 the Office of Professional Licensure (OPLC) is projecting fee revenue of \$20,790 with the current fees. Increasing the fee by \$45 could increase revenue to \$29,295 using the same number of applications and renewals. This is an estimated amount as the actual amount will depend on when the new rules are adopted.

- A. To State general or State special funds:**  
There will be no direct impact on the State general fund, however after paying all costs and salaries associated with the Office, any remaining balance in the OPLC fund lapses to the general fund at the close of each biennium. The OPLC sets fees not to exceed 125% of actual cost for providing the service pursuant to RSA 310-A:1-e. The OPLC indicates the amount of money that will lapse at the end of the biennium is indeterminable.
  
- B. To State citizens and political subdivisions:**  
State citizens will see an increase cost to the extent they apply for an acupuncture license or renewal. There is no cost or benefit to political subdivisions.
  
- C. To independently owned businesses:**  
Independently owned businesses will see an increase cost to the extent they pay for their employees acupuncture licensing fees.

**11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:**

**These rules do not violate Part I, Article 28-a of the New Hampshire Constitution. These rules do not mandate or assign this program to any political subdivision in any way.**