

Readopt with amendment Acp 301.03, effective 3-19-20 (Document #13005), to read as follows:

Acp 301.01 Application Process.

(a) Persons who wish to apply for a license to practice acupuncture in New Hampshire shall do so by submitting the following:

- (1) A completed “Application for Licensure” form provided by the board which contains the information specified by Acp 301.02;
- (2) All additional supporting materials required of the applicant specified by Acp 301.02; and
- (3) The initial license fee as required by Acp 306.01(a).

(b) An application shall:

- (1) Be typewritten or legibly printed in original ink;
- (2) Be signed by the applicant, and
- (3) Have all sections complete or designated as not applicable to the applicant.

(c) Any application which is illegible, has incomplete sections, or is not signed shall be returned to the applicant.

(d) An application shall be considered to be on file with the board on the date when the board has received:

- (1) A fully completed application form;
- (2) Proof that the applicant’s check has been deposited and cleared; and
- (3) All required supporting documentation.

(e) Within 30 days of the date the application is on file with the board, the board shall request, if necessary, additional information or documentation needed to clarify the application or any materials related to the application.

(f) Unless a waiver of the following time limit has been requested by the applicant and granted by the board, the board shall approve or deny the application within a reasonable time not to exceed 60 days from:

- (1) The date the application is on file with the board; or
- (2) The date of the response to a request pursuant to Acp 301.01(e).

(g) If the application is denied, the applicant shall be provided an opportunity to request a hearing for reconsideration pursuant to Acp 214.01 on the deficiency issues identified by the board. Any such request for a hearing shall be submitted to the board within 30 days from the date of the board’s notification of denial.

(h) If, within 30 days of the board’s notification of denial, a request for a hearing is not made by the applicant, the application shall be closed.

(i) A pending application, awaiting information which the board has requested, shall be held open for one year from the date of filing after which it shall be closed. This time limit shall be extended upon written request to the board.

(j) All applications for licensure shall be kept as part of a permanent record.

(k) All licenses shall expire [~~biennially on June 30 on even or odd numbered years~~] **on the last day of the month 2 years from the date of issuance.**

Readopt with amendment Acp 301.02, effective 3-19-20 (Document #13005), to read as follows:

Acp 301.02 Application Form. The applicant shall supply, or cause to be supplied, the following on or with the “Application for Licensure” form:

(a) Legal Name, as well as:

1. Any previously used names that might appear on supporting documentation; and
2. If applicable, name as it is written in Chinese, Korean, or other foreign language;

(b) Residence and business addresses and telephone numbers;

(c) Date of birth;

(d) Email address;

(e) A 2” x 2” passport quality photo taken within 90 days of the date on the application;

(f) A list of colleges and universities the applicant attended, dates of attendance, and degrees, if any received, supported by one of the following:

(1) An official transcript from the college or university which granted the degree; **or**

~~[(2) A copy of the diploma awarded; or]~~

(3) In the case of an undergraduate degree from a college or university outside the United States, supporting documents pursuant to Acp 302.03(c);

(g) If the applicant is applying for a waiver of the degree requirement, the supporting documentation pursuant to Acp 302.03(b);

(h) A list of acupuncture schools attended, dates attended, date of graduation and degree, certificate, or diploma awarded, supported by official transcripts from all acupuncture schools or colleges attended;

(i) If the applicant is applying for a waiver of the post-secondary acupuncture college requirement, the supporting documentation pursuant to Acp 302.05;

(j) A list of all other states and countries in which the applicant is currently licensed, registered, or otherwise allowed to practice acupuncture, dates of issue and expiration, and the license or certificate numbers. Documentation of the status of all current acupuncture licenses held shall be sent directly from the issuing state or country;

(k) A list of other states and countries in which the applicant was ever previously licensed, registered, or otherwise allowed to practice acupuncture, including dates of issue and expiration;

(l) A list of all states and countries in which the applicant was previously or is currently licensed, registered, or otherwise allowed to practice a healing art other than acupuncture, including dates of issue and expiration;

(m) Information regarding the applicant's certification by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) supported by documentation of certification status sent to the board directly from the NCCAOM or downloaded from the official NCCAOM website, including:

(1) Date of initial certification;

(2) Date current certification expires; and

(3) ~~Whether the current certification is for acupuncture only or for acupuncture and herbal medicine or for oriental medicine~~ **Specific NCCAOM certification practice area;**

(n) Disclosure, and explanation where applicable, of the following information:

(1) If any malpractice claim has ever been made against the applicant, regardless of whether a lawsuit was filed in relation to the claim;

(2) If the applicant has ever been denied an acupuncture license, certificate, or registration anywhere for any reason;

(3) If the applicant ever had employment or appointment in a hospital, clinic, or other health care facility suspended, or resigned from a health care facility in lieu of being subject to a disciplinary action;

(4) If the applicant has any formal disciplinary charges pending or if any disciplinary action has been taken against the applicant by any acupuncture or medical board, any health care facility, or any professional acupuncture association;

(5) If the applicant ever voluntarily surrendered a license to practice acupuncture or other healing art in lieu of facing disciplinary action;

(6) If the applicant has, at any time, been convicted of a crime involving violence, abuse, fraud, dishonesty, or drugs;

(7) If the applicant ever had a professional license in a field other than acupuncture revoked, suspended, or otherwise terminated on disciplinary grounds, or if any disciplinary actions are currently pending against the applicant in relation to any professional license held; and

(8) If the applicant has ever had or currently has an emotional disturbance or mental illness, an organic illness, or addictive disorder which impaired [~~her or his~~] **their** ability to practice acupuncture or to function as an acupuncture student. If so, the applicant shall describe treatment received and the outcome of such treatment;

(o) A statement of the applicant's successful completion of the Clean Needle Technique Course supported by documentation of such directly from the NCCAOM or the Council of Colleges of Acupuncture and [~~Oriental~~] **asian** Medicine (CCAOM);

(p) A statement of [~~moral~~] **good professional** character from 3 persons other than relatives of the applicant, who have known the applicant for at least 3 years, at least one of whom shall be an acupuncturist, licensed in this state or in another jurisdiction; and

(q) The applicant's signature on the following statement:

I hereby certify that all statements made in this application and all information and documentation submitted in connection with this application are, to the best of my knowledge, true, accurate, complete, and unaltered. I understand that misstatements and omissions of material facts may be cause for denial of this application, or for suspension or revocation of a license, or other appropriate disciplinary action.

In the case that my application is approved and an acupuncture license is issued to me, I hereby agree to comply with all laws and administrative rules pertaining to the practice of acupuncture in New Hampshire. I understand that this includes the requirement to use only sterile disposable one-use needles, and to use Clean Needle Technique. I understand that I must follow the New Hampshire Code of Ethics for acupuncturists and the NCCAOM Code of Ethics for acupuncturists.

Readopt with amendment Acp 301.03, effective 6-27-12 (Document #10158) and expired 6/27/2022, to read as follows:

Acp 301.03 Application Denial. An application on file with the board pursuant to Acp 301.01(d) shall be denied if the information disclosed pursuant to Acp 301.02(n) indicates the applicant cannot be relied upon to practice competently, safely, and honestly, or adhere to the ethical and professional requirements of Acp 500.

Readopt with amendment Acp 302.01 through Acp 302.05, effective 6-27-12 (Document #10158) expired 6/27/2022, to read as follows:

Acp 302.01 Personal Qualifications.

(a) An applicant shall be [~~21 years of age~~] **at the age of majority** or older.

(b) An applicant shall be of good [~~moral~~] **professional** character [~~and shall be considered to be so~~] as evidenced by letters submitted on behalf of the applicant pursuant to Acp 301.02(p).

Acp 302.02 Certification Requirements.

(a) An applicant shall hold current, active NCCAOM certification [~~through examination or Credentials Documentation Review~~] **or prior NCCAOM certification.**

(b) An applicant shall have successfully completed an NCCAOM approved Clean Needle Technique Course.

Acp 302.03 Degree Requirements and Waivers Thereof.

(a) An applicant shall possess a baccalaureate [~~or higher~~], registered nurse, or physician's assistant degree from an accredited institution.

(b) The board shall waive the requirement of a baccalaureate [~~or higher~~], RN or PA degree for an applicant provided that the applicant:

(1) Has a current valid acupuncture license from another state whose requirements are substantively equal to or exceed the requirements of RSA 328-G:9, II, verified directly from the state or states involved;

(2) Has successfully completed a post-secondary acupuncture college program which is approved by the Accreditation Commission for Acupuncture and Herbal Medicine (ACAHM), or the board;

~~(2)~~**(3)** Meets all other requirements of licensure; and

~~(3)~~**(4)** Can prove at least 40 points based on the following:

a. Every 3 credit hours earned at an accredited post-secondary institution, verified by original transcripts from the colleges attended, shall equal 2 points;

b. Each year the applicant has held a valid acupuncture license in another state, verified directly from the state or states involved, shall equal 5 points; and

c. Each semester of teaching acupuncture or acting as a clinical supervisor in an acupuncture school that is accredited **or in candidacy for accreditation** by the Accreditation Commission for Acupuncture and ~~[Oriental]~~ **Herbal** Medicine (ACA~~[O]~~**H**M) [~~or in candidacy for accreditation,~~] verified by documentation of such activity directly from the institutions involved, shall equal 5 points.

(c) An applicant who has received a degree from an institution outside the United States shall be determined to meet the undergraduate degree requirement if the following criteria are met:

(1) The school is approved by the government of that country; and

(2) An official transcript in English is received from the institution that shows the courses completed, number of months in attendance, and date and type of diploma awarded.

Acp 302.04 Acupuncture Education Requirement. An applicant shall comply with one of the following:

(a) An applicant shall have completed a post-secondary acupuncture program at a school that is:

(1) [~~ACAOM~~] **Accredited or in candidacy for accreditation by ACAHM** [~~accredited or in candidacy~~] at the time the applicant graduated; or

(2) Board approved;

(b) An applicant shall have completed acupuncture education that is approved by the NCCAOM, in earning the applicant's certification in [~~acupuncture or oriental medicine~~] **an NCCAOM specified practice area**; or

(c) An applicant shall qualify for a waiver of the acupuncture education requirement as set forth in Acp 302.05.

Acp 302.05 Waiver of Acupuncture Education Requirement:

(a) For one year from the date on which the board issues its first license, the acupuncture education requirement shall be waived for an applicant who:

(1) Possesses a current valid license to practice acupuncture in another state, and that license is in good standing, verified directly from the state or states involved; and

(2) Meets all other requirements of this chapter.

(b) After one year from the date on which the first license is issued, the acupuncture education requirement shall only be waived for applicants meeting the requirements of Acp 302.05(a) as well as the following requirements:

(1) If the applicant has received [~~his or her~~] **their** training through an apprenticeship program, that program, as verified by appropriate documentation, shall:

a. Conform to all NCCAOM apprenticeship program standards [~~pursuant to RSA 328-G:9,II(g)~~] **that at the time of completion were in compliance with certification standards set by NCCAOM**; and

b. Provide a balance of clinical training and didactic instruction that parallels the [~~ACAOM core curriculum~~] **core curriculum of the ACAHM**, including:

1. A basic history of acupuncture;
2. Basic [~~oriental~~] **asian** medical theory;
3. Point location;
4. Diagnostic skills;
5. Treatment planning;
6. Treatment technique;
7. Specialized treatment patterns and point combinations;
8. Emergency first aid treatment;

9. Equipment and safety in practice techniques; and

10. Ethics and human service skills; or

(2) If the applicant has received acupuncture education at a school or college that is not [ACAOM] approved or in candidacy **for approval by ACAHM** at the time of the applicant's graduation, a waiver shall be granted by the board if the applicant accrues 60 points based on the following point schedule:

a. An applicant shall accrue 10 points for each completed school year, up to a total maximum of 30 points, spent in a formal acupuncture program provided that:

1. The applicant has graduated from that program; and

2. The graduation from that program is verified by a transcript directly from that program or school;

b. An applicant shall accrue 10 points for each year of acupuncture practice, up to a total maximum of 50 points, provided that:

1. The applicant had a minimum of 500 patient visits per year;

2. The applicant's practice in that year was at least 70% general health care; and

3. The applicant supplies the board with the following documentation with **dates and location of practice and at least 2 of the following:**

~~[(i) Dates and location of practice; and~~

~~[(ii) At least 2 of the following:]~~

~~[(i)]~~ **(i)** Original letters from employers specifying dates and hours worked, and number of visits;

~~[(ii)]~~ **(ii)** Written statements from a minimum of 20 patients, with current phone numbers and addresses for each, specifying the time period of treatment;

~~[(iii)]~~ **(iii)** Written statements, **with convincing testimony based on personal knowledge regarding the dates, volume, and scope of practice,** from at least 2 **of the following:**

i. ~~Other health care professional~~;

ii. ~~State or local acupuncture or oriental medicine professional associations~~; **or**

iii. ~~Schools or colleges~~ ~~with convincing testimony based on personal knowledge regarding the dates, volume, and scope of practice~~; or

~~(iv)~~ **(iv)** Written statements from at least 2 other respected members within the community with convincing testimony based on personal knowledge regarding the dates, volume, and scope of practice; and

c. An applicant may accumulate additional points, up to a total maximum of 20 points, in the following categories;

1. An applicant shall accrue 2 points per semester for primary teaching responsibility of an acupuncture course provided that;

(i) The course is taught at a board approved school or college as set forth in Acp 303.01; and

(ii) The primary teaching responsibility is verified directly from the school;

2. An applicant shall accrue 2 points per semester for primary supervising responsibility of a clinic course or rotation provided that:

(i) The clinic course or rotation is taught at a board approved acupuncture school or college; and

(ii) The primary supervising responsibility is verified directly from the school; and

3. An applicant shall accrue 2 points per published article about acupuncture or ~~oriental~~ **asian** medicine provided:

(i) The article is published in a nationally or internationally recognized professional journal or publication; and

(ii) It is documented by a copy of the article.

(c) Any applicant applying for a waiver of the acupuncture education requirement pursuant to Acp 302.05 shall successfully complete at least a 6-credit course in anatomy and physiology at an accredited college or university, verified by a transcript directly from that institution.

Adopt Acp 303.01, previously effective 6-27-12 (Document #10158) and expired 6/27/2022, to read as follows:

Acp 303.01 ACAHM Accredited or Candidate Schools. The board shall approve all acupuncture schools that are ACAHM accredited or in candidacy for such accreditation.

Adopt Acp 304.01, previously effective 6-27-12 (Document #10158) and expired 6/27/2022, to read as follows:

Acp 304.01 Temporary Teaching License, Visiting Teacher.

(a) A teacher of acupuncture or asian medicine who is visiting the state for the purpose of teaching a seminar or course which will not exceed in duration a period of 30 days, and who intends to practice acupuncture in the course of that instruction shall:

- (1) Submit to the board, no less than 60 days prior to the beginning of the course, a letter of application which includes:
 - a. The name of the applicant;
 - b. The address and phone numbers at which the applicant can be contacted;
 - c. The name and description of the course to be taught;
 - d. The place where the course is to be taught;
 - e. The duration and intended dates of the course; and
 - f. The name of the sponsoring individual or organization;
- (2) Prove licensure to practice acupuncture in another state or country;
- (3) Conform to requirements of public health including use of disposable needles pursuant to RSA 328-G:10,IV; and
- (4) Pay the requisite fees pursuant to Acp 306.01.

(b) A person who is granted a temporary teaching license under Acp 304.01(a) shall not practice acupuncture outside the specified course or seminar and shall not receive compensation for any practice of acupuncture other than that received in compensation for the course itself.

(c) A temporary teaching license shall be valid for no more than 30 days.

(d) The board shall grant an exception to the 30-day limitation on a temporary teaching license in the case of a periodic seminar type course which:

- (1) Constitutes a single course; and
- (2) Meets for no more than 6 sessions in a one-year period.

(e) Other than those persons excepted under Acp 304.01(d), any person who intends to teach acupuncture in the state of New Hampshire for a period of time longer than 30 days, when that teaching involves the practice of acupuncture, shall obtain a regular New Hampshire license pursuant to Acp 300.

Adopt Acp 304.02, previously effective 6-27-12 (Document #10158) and expired 6/27/2022, to read as follows:

Acp 304.02 Intern. An intern shall be sponsored on a limited, supervised, and temporary basis if the following criteria are met:

(a) The prospective intern shall be sponsored by a New Hampshire licensed acupuncturist in good standing who;

(1) Submits to the board a letter of application for an intern registration which includes:

- a. The name, business address and phone number of the sponsoring licensee;
- b. The name of the prospective intern;
- c. The address and phone number at which the prospective intern may be contacted;
- d. The name, address, and phone number of the acupuncture school at which the intern is enrolled;
- e. The intern's expected date of graduation;
- f. The location where the internship will take place; and
- g. Beginning and ending dates of the internship;

(2) Arranges for documentation to be sent from the intern's acupuncture school directly to the board that states that the prospective intern:

- a. Is currently enrolled in an acupuncture program at a school that is ACAOM accredited or in candidacy; and
- b. Has successfully completed course work in:
 1. Needling techniques
 2. Clean needle procedures;
 3. Point location;
 4. Point indications and contraindications;
 5. Diagnosis; and
 6. Treatment planning; and

(4) Agrees in writing to the board to:

- a. Supervise the intern in all diagnosis and treatment of patients;
- b. Be on the premises at all times when patients are being treated by the intern;
- c. Identify an acupuncture intern as such to all patients treated by the intern; and
- d. Instruct the intern regarding relevant licensee responsibilities and the ethical and professional standards as set forth in Acp 503.01 and Acp 503.02.

Readopt with amendment Acp 304.03, previously effective 6-27-12 (Document #10158) and expired 6/27/2022, to read as follows:

Acp 304.03 Duration and Completion of Intern Registration.

(a) An intern registration shall expire after one year from date of approval, upon the intern becoming licensed as an acupuncturist under this chapter, upon completion of the internship, or termination of the intern from the program of study as described in Acp 304.02(a)(3)a., whichever comes first.

(b) The licensee supervising the intern shall notify the board in by submitting a letter containing the information outlined in (c) below within 30 days of an internship being completed or terminated.

(c) The letter required in (b) above shall contain the following information:

- (1) The name of the intern;
- (2) The name of the supervising licensee;
- (3) The date the internship was completed or terminated;
- (4) Whether the internship was completed or terminated;
- (5) In the event of internship termination the reason for the termination; and
- (6) The signature of the supervising licensee and the date of signature.

Adopt Acp 305.01, previously effective 6-27-12 (Document #10158) and expired 6/27/2022, to read as follows:

Acp 305.01 Licensee Obligations Regarding Student Observers and Office Assistants. A licensee who employs assistants, whether paid or unpaid, or allows students to observe, shall be responsible for assuring that the following requirements are met:

(a) Such persons shall not diagnose, develop treatment plans, or insert needles in patients;

(b) If noninvasive treatment modalities such as moxibustion or cupping are administered by assistants or students, the licensee shall be responsible for the training and safe application of these procedures; and

(c) All applicable regulations of the Occupational Safety and Health Administration shall be followed in the handling of any instruments, materials, or waste.

Readopt with amendment Acp 306.01, previously effective 3-19-20 (Document #13005), to read as follows:

Acp 306.01 Fee Schedule. Initial license application and license renewal fees shall be [~~\$140.00 as required by RSA 328-G:9, II(d)~~] \$155.00.

Adopt Acp 307.01, previously effective 6-27-12 (Document #10158) and expired 6/27/2022, to read as follows:

Acp 307.01 Exemptions for Persons Licensed Under NH RSA 316-A. Any person licensed under NH RSA 316-A as of July 1, 1997, and practicing acupuncture as of that date will be granted an exemption to RSA 328-G:9, I, pursuant to RSA 328-G:9, VIII, provided that that person:

- (a) Petitions the board, in writing, for an exemption;
- (b) Verifies proof of licensure under RSA 316-A as of July 1, 1997;
- (c) Provides evidence of acupuncture practice prior to July 1, 1997;
- (d) Verifies a minimum of 500 hours of acupuncture training;
- (e) Verifies current active NCCAOM certification or prior NCCAOM certification; and
- (f) Submits to the board a copy of all documentation of education, apprenticeship, or experience which has been submitted to the NCCAOM as qualifying the applicant to sit for examination.

Repeal Acp 308.01, effective 6-27-12 (Document #10158), to read as follows:

~~[Acp 308.01 Roster and Directory of Licensed Acupuncturists. The board shall maintain a roster of licensed acupuncturists and annually publish a directory of such, containing the following information:~~

- ~~—— (a) Name;~~
- ~~—— (b) Professional address;~~
- ~~—— (c) Date of issuance of license;~~
- ~~—— (d) License number; and~~
- ~~—— (e) Whether the license is in good standing.]~~

APPENDIX I

RULE	SPECIFIC STATE STATUTE THE RULE IMPLEMENTS
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