

State of New Hampshire

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION DIVISION OF LICENSING AND BOARD ADMINISTRATION

Board of Acupuncture Licensing

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PUBLIC MEETING MINUTES

May 13, 2022

The May 13, 2022, meeting of the Board of Acupuncture Licensing (the "Board") convened at 10:00AM at the Office of Professional Licensing and Certification, 7 Eagle Square, Concord, New Hampshire, 03301.

Members Present:

Cindy Theroux-Jette - CTJ

Diane Chase - DC

Vicki Irwin – VI

Jody Bell - JB

Absent: Amy Goldstein

Others Present:

Jenna Wilson (JW) and Jessica M. Whelehan (JMW), Board Administrators

Tina Kelley (TK), OPLC Rules staff

CALL TO ORDER: Chairperson Cindy Theroux-Jette called the meeting to order at 10:10AM.

- 1. REVIEW OF PUBLIC MINUTES:** On motion of VI and second by DC, the Board voted unanimously* to approve the public minutes of from meeting held on April 22, 2022 as amended. JB abstained.
- 2. LEGISLATIVE UPDATE:** CTJ notified the Board that the House approved **SB 282**. The language in Acp 500 related to using the title of "doctor" will need to be changed in **Acp 500** after the bill becomes law. The Board may decide to wait to file the Final Proposal with JLCAR until after the Governor signs the bill so that a second rulemaking is not needed.
- 3. RULEMAKING PUBLIC COMMENT HEARING:** Acp 500 - Responsibilities of Licensees and Ethical and Professional Standards. CTJ opened the Public hearing at 10:28AM and read the required information pursuant to RSA 541-A. There was no public comment received and the hearing was closed at 10:47AM.
- 4. LICENSING**

*all votes are unanimous unless indicated otherwise.

- a. **Mary Cooke:** On motion of CTJ and second by VI, the Board voted unanimously to accept Ms. Cooke's application pending satisfactory completion of an Education Waiver request form because the baccalaureate degree was not from an accredited school.
 - b. **Linnéa Lovinsky:** On motion of CTJ and second by JB, the Board voted unanimously to accept Ms. Lovinsky's application for licensure.
 - c. **Elizabeth Griffey:** On motion of CTJ and second by JB, the Board voted unanimously to accept Ms. Griffey's application pending receipt of proof of active NH medical license or undergraduate transcripts.
5. **OPLC UPDATES & INFORMATIONAL ITEMS:** JW notified the Board that HB1059 was passed into law in RSA 310-A which provides that OPLC may take action on behalf of the Boards when a pending application has been waiting for 60 days. Previously, the applicant would automatically be licensed; currently OPLC has the authority to ensure the applicant has met the requirements for licensure and to deny licensure if the applicant does not meet the requirements.
6. **ADMINISTRATIVE RULES:** The Board worked with Tina Kelley (TK), OPLC Rules staff on revised drafts of initial proposals for **Acp 300**, **Acp 400**, and **Acp 600**.
- a. **Chapter Acp 300:** The Board asked TK to remove the embedded **education wavier form** from the application form so that it can be used and referenced independently. The Board would like to review revised draft rules and forms to reflect that change. The Board asked JW to create an **Intern Registration form** for Acp 304.02. TK will create additional sections to describe who is responsible to notify the Board when an internship ends and to describe the form and will bring it to the next meeting. **Acp 301.01(k)** – licenses shall expire 2 years from the date of the original license; **Acp 301.02(f)(2)**- remove the option to submit a copy of the diploma; **Acp 302.05(b)(2)b, iii**, - needs to be reworded and the numbers changed so that "convincing testimony" applies to all three options. It was noted that **Acp 307.01(e)** needs to be changed when SB282 is signed into law, but TK advised that it can wait for approval at the June 17th meeting because the rule doesn't expire until June 27th and hopefully the law will be in effect then.

RECESS: At 11:58AM, CTJ announced that the Board was in recess for a lunch break. The Board resumed public session at 12:17PM.

- b. **Chapter Acp 400** rules discussed included: Acp 401.03 - re-letter so that g=f and j=l, etc.; Acp 402.01(3) - change to include 2 hours of continuing education in Safety and 2 hours of continuing education in Ethics.
On motion of CTJ and second by DC, the Board voted to **accept Acp 400 as amended** and asked TK to begin the formal rulemaking process.
- c. The Board discussed changes to **Chapter Acp 600** which included: the definition of cupping in RSA 328-G:2, IV and the need to add a definition to the rules in either Acp 100 or Acp 600. There was discussion about it already being defined in Acp 601.03(2)(c). TK indicated that the statutory definition must be used, and the rule cannot expand upon it. On motion of CTJ and second by JB, the Board voted to **accept Acp 600 as amended** and asked TK to begin the formal rulemaking process. TK left the meeting at 12:34PM.

7. OLD BUSINESS

- a. The Board discussed **SB 290 relative to auriculotherapy**. There was a similar bill passed in Massachusetts this year and the Board expects NH auriculotherapy supporters will find a sponsor next session to try again. The Board is willing to consider rules changes to expand the number of auricular points for certified acupuncture detoxification specialists to use. The Board discussed concerns about proper training, the physical location of treatment, and appropriate supervision after training and certification. The Board discussed whether or not

a person who is not a licensed acupuncturist (such as a “board approved other professional” defined in Acp 701.01 as a social worker, emergency service worker, police officer, corrections officer, firefighter, guidance counselor, or substance abuse worker) might provide “supervision” of a certified acupuncture detoxification specialist. This would allow professionals trained in public safety to evaluate the situation and prevent inappropriate treatment if necessary. Board members will work independently to begin drafting amended language for Acp 700.

NON-PUBLIC SESSION

At 12:52PM, pursuant to RSA 91-A:3, upon motion by CTJ and second by VI, the Board voted unanimously by roll call to enter non-public session for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3 II (e), RSA 91-A:5, IV, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board’s executive and deliberative privileges.

RESUME PUBLIC SESSION

The Board returned to public session as 12:55PM.

SEAL THE MINUTES OF THE NON-PUBLIC SESSION

On motion by CTJ and second by JB, the Board voted unanimously by roll call vote to seal the non-public minutes to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

ADJOURNMENT

Chairperson Cindy Theroux-Jette adjourned the meeting at 12:56PM.

Next meeting: 10:00AM on June 17, 2022