

**Readopt with amendments Nat 302.02, effective 5-17-17 (Document #12176), to read as follows:**

Nat 302.02 Processing of Applications.

(a) If the board, for the purpose of determining applicants' qualification for licensure, requires any information, materials or documents additional to those first submitted it shall:

- (1) So notify the applicants in writing within ~~60~~ 30 days and
- (2) Specify the information, materials, and documents which the applicants are required to submit.

(b) If applicants do not submit the additional information and documents requested pursuant to (a) above within 60 days of receipt of the request,

- (1) Their applications shall be denied; and
- (2) They shall file entirely new applications if they desire to be licensed.

(c) The board shall approve or deny applications in writing within ~~120~~ 60 days of the date that the board's office has received:

- (1) The materials specified by Nat 302.01; and
- (2) Any information, materials, and documents requested pursuant to (a) above.

(d) Applicants may challenge the board's denial of their applications through a hearing if they make a written request for a hearing within 30 days of the date of receipt of the board's notification of denial.

**Readopt with amendments Nat 306.02, effective 5-7-17 (Document #12176), to read as follows:**

Nat 306.02 Certification In Naturopathic Childbirth.

(a) A doctor of naturopathic medicine shall not practice naturopathic childbirth without first requesting in writing and receiving from the board a certificate of specialty practice in naturopathic childbirth.

(b) Such certificate:

- (1) Shall not be required to be renewed;
- (2) Shall be suspended when the holder's license to practice as a doctor of naturopathic medicine is suspended; and
- (3) Shall be revoked when the holder's license to practice as a doctor of naturopathic medicine is revoked.

(c) To receive a certificate of specialty practice in naturopathic childbirth an applicant shall:

- (1) Meet the eligibility requirements of Nat 306.03;
- (2) Submit to the board a letter requesting a certificate; and

(3) Arrange for the direct transmission to the board of the applicant's scores on the childbirth examination sponsored by ACNO.

**(d) Naturopathic doctors shall not use therapeutic devices during childbirth unless a specialty certificate in naturopathic childbirth is obtained.**

**Readopt with amendments Nat 401.01, effective 5-17-17 (Document #12176), to read as follows:**

Nat 401.01 Meanings of Terms. The following terms shall have the following meanings:

(a) “American College of Naturopathic Obstetricians (ACNO)” means a national professional organization which sponsors an examination for certification of naturopathic obstetricians; [~~and~~]

**(b) “Letter of concern” means a written letter from the board drawing the licensee’s attention to specific acts or omissions that could place the licensee at risk of future disciplinary action. A letter of concern is non-disciplinary, confidential, and is sent to the licensee following a complaint and investigation pursuant to RSA 328-E:14-a.**

(c) [~~(b)~~] “National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM)” means a non-profit organization with the mission to establish, assess, and promote recognized standards of competence and safety in acupuncture and oriental medicine.

**Readopt with amendments Nat 402.03, Nat 402.07, Nat 404.05, Nat 405.02, and Nat 405.03 effective 5-17-17 (Document #12176), to read as follows:**

Nat 402.03 Renewal of Licenses and Renewal of Licenses on Condition.

(a) The board shall renew the licenses of renewal applicants who:

- (1) Have met the procedural requirements for renewal;
- (2) Are not subject to denial pursuant to Nat 402.04; and
- (3) Have completed at the time of submitting their renewal packets all of the continuing education hours that were obtained within ~~3 years immediately preceding the current renewal date~~, **the two-year renewal period**, on condition the continuing education hours have not previously been submitted.

(b) The board shall renew on condition the licenses of renewal applicants who:

- (1) Have met the procedural requirements for renewal; and
- (2) Are not subject to denial pursuant to Nat 402.04;

(c) The condition placed on the renewal licenses of applicants who still need to complete continuing education at the time of renewal shall be that the education requirements set forth in Nat 405 be completed within the time period set forth in Nat 402.07(a).

(d) When individuals whose licenses have been renewed on condition report and document the timely completion of continuing education requirements, the board shall notify them that the condition on their licenses has been met.

(e) If such individuals fail to report and document the timely completion of continuing education requirements even though they have completed the requirements, the board shall, after notice and opportunity for a hearing, suspend the licenses which were renewed on condition.

Nat 402.07 Two-Year Renewal for the Completion of Continuing Education and Reporting Continuing Education.

(a) Pursuant to RSA 328-E:13, II, applicants for renewal licensure shall complete the continuing education described in Nat 405 during ~~every 3-year cycle~~ **two-year renewal cycle** beginning with the issuance date of the first license issued to them by the board. ~~Renewal applications are due every two years.~~

(b) Continuing education completed since initial licensure shall be reported in a cumulative fashion on the individualized continuing education report form described in Nat 402.08.

(c) Whenever a licensee submits a renewal packet, the licensee shall include in the packet the licensee's individualized continuing education report form updated with information about the continuing education taken since the licensee last submitted such information.

(d) Whenever a licensee submits a renewal packet, the continuing education being reported for the first time on the individualized continuing education report form shall be documented by the following attachments:

- (1) A photocopy of a transcript showing the course(s) taken and the credit hours assigned; or
- (2) A photocopy of a certificate of attendance or similar document showing:
  - a. The name of the applicant;
  - b. The name of the course if descriptive of the course contents, or other description of the course;
  - c. The beginning and ending dates of the course;
  - d. The credit hours assigned; and
  - e. The signature of the course instructor or a representative of the course provider.

Nat 404.05 Determinations Required for Sanctions.

(a) In instances of misconduct other than those described in Nat 404.04, the board shall engage in the following process to determine which sanction or combination of sanctions to impose:

- (1) First determine the nature of the act or omission constituting the misconduct done by the licensee;
- (2) Next determine whether the misconduct has one or more of the characteristics listed in (b) below; and
- (3) Finally, apply the standards in (c) below.

(b) The characteristics shall be:

- (1) The misconduct actually caused physical or mental harm to the patient or another person;
  - (2) The misconduct had the potential to cause physical or mental harm to the patient or another person;
  - (3) The misconduct repeated earlier misconduct done by the licensee, as determined by:
    - a. An earlier hearing;
    - b. An earlier settlement agreement predicated on the same misconduct; or
    - c. An admission by the licensee;
  - (4) The misconduct was not the first misconduct by the licensee, as determined by:
    - a. An earlier hearing;
    - b. An earlier settlement agreement predicated on misconduct; or
    - c. An admission by the licensee; and
  - (5) The misconduct was intentional rather than the result of negligence or inadvertence.
- (c) The board shall select appropriate sanction(s):
- (1) From the list in Nat 404.02; and
  - (2) By choosing, in light of the characteristics determined in the step described in (a)(2) above, the sanction most likely to:
    - a. Protect public health and safety;
    - b. Prevent future misconduct by the licensee;
    - c. Take into account any acknowledgement of fault by the licensee and any cooperation by the licensee with the board's investigation of misconduct;
    - d. Correct any attitudinal, educational or other deficiencies which led to the licensee's misconduct;
    - e. Encourage the responsible practice of naturopathic medicine, naturopathic childbirth, and naturopathic acupuncture, as applicable; and
    - f. Demonstrate to the licensee and the public the board's intention to insure that its licensees practice in accordance with applicable law and the public welfare.
- (d) If the Board chooses not to select a sanction under (c) above, the board shall either:**
- (1) dismiss the matter; or**
  - (2) issue a confidential letter of concern to the licensee.**

Nat 405.02 Continuing Education Requirements.

(a) ~~Every 3 years~~ Licensees shall complete 45 credit hours of continuing education **during the two-year renewal cycle** in accordance with (b), (c) and (d) below.

(b) Of the required 45 credit hours at least 12 shall be credit hours in pharmacology or pharmacognosy, **and at least 3 shall be education in pain management or addiction disorders, or a combination thereof, as required by RSA 328-E:13, II.**

(c) If licensees hold specialty certificates in naturopathic childbirth or acupuncture, at least 12 of the required 45 credit hours shall be attributable to courses specifically related to the licensees' fields of specialty.

(d) The required 45 credit hours shall be attributable to the courses and types of courses set forth in Nat 405.03.

Nat 405.03 Courses.

(a) The board shall attribute continuing education credit hours to courses:

(1) Designed to add to the previous education of the renewal applicant by focusing on current developments, skills, procedures, or treatment in naturopathic medicine;

(2) Sponsored or certified by:

a. A national or state naturopathic medical society; or

b. A college, university, or other educational entity described in (b) below; and

(3) Covering one or more of the topics described in (c) below.

(b) For the board to attribute continuing education credit hours to their courses, colleges, universities, and other educational entities shall be accredited by:

(1) Members of ASPA;

(2) ACCME; or

(3) One of the following regional accreditors:

a. The Middle States Association of Colleges and Schools;

b. The New England Association of Schools and Colleges;

c. The North Central Association of Colleges and Schools;

d. The Northwest Association of Schools and Colleges;

e. The Southern Association of Colleges and Schools; or

f. The Western Association of Schools and Colleges.

(c) Courses taken for continuing education credit shall cover one or more of the following topics:

(1) Human anatomy;

(2) Physiology;

- (3) Biochemistry;
- (4) Pathology;
- (5) Pharmacology;
- (6) Pharmacognosy;
- (7) Diagnostic methods;
- (8) Botanical medicine;
- (9) Homeopathy;
- (10) Nutrition;
- (11) Naturopathic physical medicine;
- (12) Psychological counseling;
- (13) Organ systems;
- (14) Cardiology;
- (15) Dermatology;
- (16) Endocrinology;
- (17) Eyes, ears, nose, and throat;
- (18) Gastroenterology;
- (19) Orthopedics;
- (20) Neurology;
- (21) Gynecology;
- (22) Natural childbirth;
- (23) Obstetrics;
- (24) Pediatrics;
- (25) Geriatrics;
- (26) Medical emergencies;
- (27) Acupuncture;
- (28) Traditional Chinese medicine; and
- (28) Ayurvedic medicine.

**(d) If a current licensee chooses to take, and passes, the jurisprudence examination required of new applicants under Nat 410.01, the licensee shall be granted 2 credit hours of general continuing education credits. Licensees may obtain these two credit hours only once per renewal period.**

**Adopt Nat 407 – Nat 410 to read as follows:**

PART Nat 407 NATUROPATHIC ASSISTANTS

Nat 407.01 Naturopathic Assistants

- (a) Doctors of naturopathic medicine licensed under RSA 328-E may employ naturopathic assistants to perform technical and support services.
- (b) Naturopathic assistants shall be a licensee or registrant of a licensing board under the Office of Professional Licensure and Certification working under the direct supervision of a naturopathic doctor.
- (c) Naturopathic assistants shall practice within their scope of practice consistent with their training.
- (d) Supervising doctors of naturopathic medicine shall be responsible for any naturopathic assistant under their employment and any service that the assistant provides.

PART Nat 408 PRESCRIPTION DRUG MONITORING PROGRAM

Nat 408.01 Prescription Drug Monitoring Program Registration

- (a) Naturopathic doctors with a Drug Enforcement Administration (“DEA”) registration shall provide their DEA number, if any, on all initial, renewal, and reciprocity application forms.
- (b) Naturopathic doctors who prescribe controlled substances shall register with the Prescription Drug Monitoring Program (“PDMP”). Licensees who prescribe controlled substances and who fail to register as required by RSA 318-B:33 shall be subject to disciplinary action as outlined in Nat 404.

PART Nat 409 MEDICATIONS

Nat 409.01 Preparing Drugs and Homeopathic Drugs. Naturopathic doctors engaged in compounding shall comply with the requirements of the United State Pharmacopeia Chapter 797, as required by Board of Pharmacy regulation Ph 404.01. Failure to do so may result in discipline from this board.

Nat 409.02 Controlled Substances. If controlled substances that are on the formulary are on the premises, naturopathic doctors shall follow all requirements set forth in the Controlled Drug Act, RSA chapter 318-B. Failure to do so may result in discipline from this board.

Nat 409.03 Drug-related Complaints. Complaints regarding the preparation, dispensing, or administration of drugs may be made directly to the board or to the board of pharmacy, pursuant to Board of Pharmacy regulations Part Ph 2200.

PART Nat 410 JURISPRUDENCE EXAM

Nat 410.01 Jurisprudence Exam Requirement

- (a) The following individuals shall be eligible to take the Jurisprudence Exam:
  - (1) Applicants for licensure under RSA 328-E, who shall pass the jurisprudence exam as part of the licensure process prior to an initial license being issued; and
  - (2) Current licensees, for purposes of obtaining continuing education credits pursuant to Nat 405.03(d).
- (b) The pass rate for the exam shall be 75% or greater.
- (c) Jurisprudence exams shall be mailed to the applicant or downloaded from the board's official website by the applicant. Applicants shall complete the exam and return it to the board's office for grading.
- (d) The board's administrative staff shall grade the exam. If the applicant passes the exam, the initial licensure application and graded exam shall be given to the board to deny or approve.

**Adopt Nat 600 to read as follows:**

CHAPTER Nat 600 SCOPE OF PRACTICE AND CODE OF ETHICS

PART Nat 601 SCOPE OF PRACTICE

Nat 601.01 Definitions.

- (a) "Prevention of human health conditions and diseases" means "actions directed to preventing illness and promoting health to reduce the need for secondary or tertiary health care. Prevention includes such actions as assessment, application of treatment measures, health teaching, screening, early diagnosis and treatment, and recognition of disability limitations and rehabilitation potential".
- (b) "Diagnosis of human health conditions and diseases" means "the use of information from sources such as findings from physical examinations, interview of patient or family or both, the medical history of the patient and family and clinical findings as reported by laboratory and medical imaging studies." Diagnosis includes the use of:
  - (1) Physical or orificial examinations, all medical imaging and physiological functions tests;
  - (2) Phlebotomy and laboratory testing, and examinations; and
  - (3) Non-invasive diagnostic procedures used by medical practitioners in general practice.

- (c) “Treatment of human health conditions and diseases” means “the management and care of the patient using education, natural medicines, and therapies.” Treatment does not include:
- (1) Emergency medical treatment, unless no fee or other consideration is charged, received, expected, or contemplated, pursuant to RSA 328-E:5, I(g);
  - (2) Prescribing, dispensing, or administering any legend or controlled substance as defined in RSA 318 or RSA 318-B except the prescribing, dispensing, or administering legend or controlled substances approved for use in the naturopathic formulary pursuant to RSA 328-E:16; or
  - (3) the use of surgical or invasive procedures;
- (d) “Surgical procedure” means a procedure in which skin or mucus membrane and connective tissue are incised or excised. This includes operations, biopsies, deep cryotherapy, and organ transplantation.
- (e) “Non-surgical procedure” means a procedure that does not include the use of parenteral or non-parenteral therapeutic devices to administer natural medicine as provided for in Nat 406, or the use of therapeutic devices including but not limited to, otoscopes and ophthalmoscopes.
- (f) “Parenteral therapies” means therapeutic devices to access and administer natural medicines according to Nat 406 in routes other than oral such as topical, intravenous, intramuscular, intra-articular, intradermal, or subcutaneous.
- (g) “Chelation therapy” means an intravenous or oral treatment using natural medicine according to Nat 406 chelation agents designed to bind heavy metals in order to treat heavy metal toxicity.

Nat 601.02 Duty of Licensees Regarding Scope of Practice. Each licensee shall practice only within the scope of his or her training, expertise, and capability

Nat 601.03 Therapeutic Devices

- (a) Naturopathic doctors may use therapeutic devices that are parenteral and non-parenteral to administer defined by Nat 201.01 (s) according to manufacturer instructions and to administer natural medicines according to Nat 406.
- (b) Therapeutic devices shall not be used by a naturopathic doctor for the following:
  - (1) To perform surgery or surgical operations;
  - (2) To perform general or spinal anesthesia, epidurals, or any other intrathecal procedures;
  - (3) To perform intra-arterial or intracardiac procedures;

- (4) For parenteral or non-parenteral administration of formulary medicines using methods inconsistent with completed education;
  - (5) To perform acupuncture unless a specialty certificate in naturopathic acupuncture is obtained; and
  - (6) For use during childbirth unless a specialty certificate in naturopathic childbirth is obtained.
- (c) Medical charting for parenteral treatments shall include the following information:
- (1) patient, name, and date;
  - (2) type of carrier solution and amount, if applicable;
  - (3) Type and amount of each medication added to the carrier solution, if applicable;
  - (4) Rate of infusion, if applicable;
  - (5) Route of administration, e.g. whether the treatment was topical, intravaneous, intramuscular, intra-articular, or subcutaneous; and
  - (6) type and gauge of access device used, such as a needle, catheter, butterfly, or central venous access device.

## PART Nat 602 ETHICAL STANDARDS FOR NATUROPATHS

Nat 602.01 Ethical Standards for Naturopaths. The ethical standards for naturopaths shall be the APTA Code of Ethics for the American Association of Naturopathic Physicians' (AANP) Code of Ethics, approved as a full code of ethics August 2012 and as referenced in Appendix II.

### **Adopt Nat 700 to read as follows:**

## CHAPTER Nat 700 FORMULARY COUNCIL

### PART Nat 701 FORMULARY COUNCIL PROCEDURES

#### Nat 701.01 Formulary Council

- (a) The Council on Doctors of Naturopathic Medicine Formulary (“Council”) shall be responsible for reviewing the formulary at least twice per year.
- (b) Meetings shall be held at the Office of Professional Licensure and Certification. The board’s administrative staff shall be responsible for coordinating meetings of the council, preparing documents for the council, and keeping minutes of council meetings.

- (c) Three members of the council shall constitute a quorum.
- (d) The council shall review requests for medicines and drugs to be added to the formulary in order to determine whether they are appropriate for the naturopathic profession.
- (e) Substantially identical molecular structure of synthetically produced substances means a substance with a related or fundamental aspect to a naturally occurring substance in plants, animals or humans in terms of mechanism of action or pharmacology.
- (f) Any person requesting additions to the formulary shall complete and submit a “New Medication Formulary Request Form” to the council. The form shall include the following:
  - (1) Applicant’s name and mailing address;
  - (2) Date;
  - (3) Naturopathic license number, if applicable;
  - (4) Whether the request is to add a drug to the formulary or remove a drug from the formulary;
  - (5) Drug name;
  - (6) Drug class;
  - (7) Whether the drug is a prescription, non-prescription, or a scheduled drug;
  - (8) Route of administration;
  - (9) Mechanism of administration;
  - (10) Explanation of how the drug complies with scope of practice of naturopathic doctors;
  - (11) Explanation of the identical or functional similarity of the drug to a naturally occurring substance; and
  - (12) Explanation of how the drug functions similar to a naturally occurring substance.
- (g) The council shall be responsible for reviewing requests for removal of a drug from the formulary. The council shall remove a drug upon majority vote.

**Appendix I – Statutes Implemented**

<b>Rule</b>	<b>Specific State Statute the Rule Implements</b>
Nat 302.02	RSA 541-A:16, I(b)(1); RSA 328-E:10, I(e)
Nat 306.02	RSA 328-E:12, I and II
Nat 401.01	RSA 541-A:7; RSA 328-E:8, I(b)
Nat 402.03	RSA 328-E:13, I; RSA 328-E:8, I(b)
Nat 402.07	RSA 328-E:13, I
Nat 404.05	RSA 328-E:1, II(a); RSA 328-E:14, II; RSA 328-E:10, I(e)
Nat 405.02	RSA 328-E:13, II; RSA 328-E:10, II
Nat 405.03	RSA 328-E:10, II, RSA 328-E:13, II
Nat 407.01	RSA 328-E:10, I(b)
Nat 408.01	RSA 318-B:33
Nat 409.01	RSA 318:42, II; RSA 318:14-a
Nat 409.02	RSA 328-E:14, II
Nat 409.03	RSA 318:9-a; RSA 318:30; RSA 318:14-a
Nat 410.01	RSA 328-E:9, I(f); RSA 328-E:10, II; RSA 328-E:10, I(f)
Nat 601.01	RSA 328-E:4; RSA 328-E:10, I(f)
Nat 601.02	RSA 328-E:4; RSA 328-E:10, I(f)
Nat 601.03	RSA 328-E:4; RSA 328-E:10, I(f)
Nat 602.01	RSA 328-E:10, I(f)
Nat 701.01	RSA 328-E:10, I(d); RSA 328-E:16