

Readopt with amendment Nat 101.01, effective 11-26-20 (Document #13139), to read as follows:

Nat 101.01 Purpose.

(a) These rules implement the statutory responsibilities of the New Hampshire naturopathic board of examiners.

(b) The board's responsibilities include, but are not limited to:

(1) The establishment of organizational rules under which the board operates;

(2) The ***establishment of criteria required for initial licensure*** ~~granting and issuance of licenses to qualified applicants;~~

(3) The establishment of standards for continuing education;

(4) The ***establishment of criteria required for issuing*** ~~granting and issuance of renewal licenses;~~

(5) The further defining of the ~~scope~~ of practice of licensees, pursuant to RSA 328-E:10, I (a) and (f); ***and***

(6) The establishment ~~and enforcement~~ of professional standards of conduct for licensees;

~~(7) The hearing of complaints and the subsequent undertaking of disciplinary proceedings and disciplinary actions against licensees, in accordance with 328 E:14 a and these rules; and~~

~~(8) The investigation and preparation of reports on any matter within the scope of RSA 328-E.~~

Readopt with amendment Nat 102.01, effective 11-26-20 (Document #13139), to read as follows:

Nat 102.01 Terms Used. As used in these rules, the following terms shall have the meanings indicated:

(a) "Acupuncture" means the insertion of acupuncture needles into specific points on the skin to treat human disease and impairment and to relieve pain.

~~(b) "Administrative assistant" means any person with delegated authority from the office of professional licensure and certification to perform administrative and clerical functions for the board.~~

(eb) "Board" means "board" as defined in RSA 328-E:2, III, namely, "the naturopathic board of examiners established under RSA 328-E:7."

(ec) "Council" means the council on doctors of naturopathic medicine formulary established by RSA 328-E:16.

(ed) "Dietary supplements" means a product that contains a dietary ingredient intended to supplement the human diet including vitamins, minerals, herbs or other botanicals, amino acids, probiotics, enzymes, and nutritional extracts.

(~~fe~~) “Doctor of naturopathic medicine” means “doctor of naturopathic medicine” as defined in RSA 328-E:2, IV, namely, “a person authorized and licensed to practice naturopathic medicine under this chapter.”

(~~gf~~) “Homeopathic preparations” means “homeopathic preparations” as defined in RSA 328-E:2, V, namely, “medicines prepared according to the Homeopathic Pharmacopeia of the United States”.

(~~hg~~) “Minor office procedures” means care incident to superficial lacerations and abrasions, and the removal of foreign bodies located in superficial structures, not to include the eyes. It shall include the use of antiseptics in connection with such procedures but shall not include the alteration or removal of tissue as defined by RSA 328-E:2 VI. It shall also include suturing that is performed in the care incident to superficial lacerations but shall not include any other suturing.

(~~ih~~) “Naturopathic childbirth” means natural childbirth which includes the use of natural obstetrical medicines, ophthalmic antibiotics, obstetrical emergency medicines, and minor surgery including episiotomies, but which does not include the use of forceps delivery, general or spinal anesthesia, cesarean section, or induced abortions as defined by RSA 328-E:2, VII.

(~~ji~~) “Naturopathic dispensary” means an establishment within a clinical setting where natural medicines including nutritional supplements, dietary supplements, herbal medicines, homeopathic remedies, and over-the-counter remedies are made available.

(~~kj~~) “Naturopathic manipulative therapy” means “naturopathic manipulative therapy” as defined in RSA 328-E:2, VIII, namely, “the manually administered, mechanical treatment of body structures or tissues, in accordance with naturopathic principles, for the purpose of restoring normal physiological function to the body by normalizing and balancing the musculoskeletal system of the body”.

(~~lk~~) “Natural medicine” means agents from plant, mineral or animal origins that are naturally occurring substances or manufactured substances that are produced to simulate such naturally occurring substances.

(~~ml~~) “Naturopathic medicine” means “naturopathic medicine” as defined in RSA 328-E:2, IX, namely, “a system of primary health care practiced by doctors of naturopathic medicine for the prevention, diagnosis, and treatment of human health conditions, injuries, and diseases that uses education, natural medicines and therapies to support and stimulate the individual's intrinsic self-healing processes.”

(~~nm~~) “Naturopathic physical medicine” means “naturopathic physical medicine” as defined in RSA 328-E:2, X, namely, “the therapeutic use of the physical agents of air, water, heat, cold, sound, light, and electromagnetic non-ionizing radiation and the physical modalities of electrotherapy, diathermy, ultraviolet light, ultrasound, hydrotherapy, naturopathic manipulative therapy, and therapeutic exercise,” and other physical agents and modalities consistent with current naturopathic education and training within the naturopathic scope of practice.

(~~on~~) “Therapeutic device” means any material, instrument, apparatus, appliance, or other article for therapeutic purposes that does not achieve its principle intended action in or on the human body by pharmacological, immunological, or metabolic means.

(~~po~~) “Topical medicines” means “topical medicines” as defined in RSA 328-E:2, XI, namely, “topical analgesics, anesthetics, antiseptics, scabicides, antifungals, and antibacterials.”

Readopt with amendment Nat 103.02, effective 3-9-05 (Document #8299), to read as follows:

Nat 103.02 Duties of the Board. The board shall:

(a) Provide standards for the licensure and regulation of doctors of naturopathic medicine in order to protect the public health, safety and welfare;

(b) Insure that naturopathic medicine by qualified doctors of naturopathic medicine is available to the people of New Hampshire; ***and***

~~(c) Examine, investigate and license persons who apply for the authority to practice naturopathic medicine in New Hampshire and are found qualified under statutory authority and under the rules of the board;~~

~~(d)~~(c) Adopt as a rule the formulary and revisions of the formulary approved by the council;

~~(e) Undertake, when appropriate, disciplinary proceedings and disciplinary actions against licensees in accordance with the standards of RSA 328-E and the board; and~~

~~(f) Investigate and prepare reports on any matter within the scope of RSA 328-E, and when appropriate, assess civil penalties against persons engaged in the unauthorized practice of naturopathic medicine.~~

Readopt with amendment Nat 103.06, effective 11-26-20 (Document #13139), to read as follows:

Nat 103.06 Quorum and Majority for Decision Making.

(a) A total of 3 members of the board shall constitute a quorum, in accordance with RSA 328-E:7, V, to convene a meeting or conduct a hearing.

(b) Any action shall be taken only by the affirmative vote of a majority of those board members present and voting.

(c) Board members shall inform the ~~administrative assistant~~ or chairperson at the earliest possible time if they will be unable to attend a meeting so that a new meeting time can be scheduled if there will not be a quorum.

Repeal Nat 103.08, effective 3-9-05 (Document #8299), and hold said section in reserve as follows:

Nat 103.08 ~~Committees~~.

~~(a) A committee shall consist of one or more board members who have been directed by the board to investigate and make recommendations on matters within the jurisdiction of the board.~~

~~(b) When expressly authorized by the board, the authority of a committee shall include the retention of voluntary assistance from qualified non-board members.~~***RESERVED***

Readopt with amendment Nat 103.09, effective 3-9-05 (Document #8299), to read as follows:

Nat 103.09 Officers.

- (a) The board shall elect a chairperson, ***and*** vice-chairperson ~~and secretary-treasurer~~ annually at the first meeting of each calendar year.
- (b) The chairperson shall oversee all correspondence to and from the board, represent the board or designate another board member to represent the board, and chair the board meetings.
- ~~(c) The secretary shall keep minutes at each meeting and provide drafts of the minutes to the administrative assistant.~~

Readopt with amendment Nat 104.01, effective 7-22-17 (Document #12337), to read as follows:

Nat 104.01 Office Location and Mailing Address, Office Hours, Telephone Number, ***and*** TTY/TDD Access ~~and Fax Number.~~

- (a) The board's office is located at:
- New Hampshire Naturopathic Board of Examiners
~~Philbrook Building~~ ***Office of Professional Licensure and Certification***
121 South Fruit Street ***7 Eagle Square***
Concord, N.H. 03301
- (b) The office shall be open to the public weekdays, excluding holidays, from 8:00 A.M. to 4:00 P.M.
- (c) The board's telephone number at the office of professional licensure and certification is (603) ~~271-2219~~ ***271-2152.***
- (d) Access to the board for in-state TTY/TDD users is through Relay New Hampshire by dialing ~~711~~ ***1-800-735-2964.***
- ~~(e) The board's fax number at the office of professional licensure and certification is (603) 271-5590.~~
- (f) Persons wishing to make submissions to, or requests of, the board may mail a letter to the ~~administrative assistant~~ ***board*** at the address stated in paragraph (a), call the number stated in paragraph (c), ***or*** communicate by TTY/TDD using the number stated in paragraph (d), ~~or send a fax to the number stated in paragraph (e).~~

Readopt with amendment Nat 104.02, effective 3-9-05 (Document #8299), to read as follows:

Nat 104.02 Inspection and Copies of Records.

- (a) Pursuant to RSA 91-A:4 members of the public may inspect and have copies of those records of the board which are public records and not exempt from disclosure under RSA 91-A:5 or other applicable law.

(b) The ~~administrative assistant~~ ***executive director of the office of professional licensure and certification*** shall be the custodian of the board's records and shall respond to requests to examine and have copies of public records.

(c) Minutes of board proceedings in public session shall be public records pursuant to RSA 91-A:2, II and shall be available for inspection during the board's ordinary office hours ~~within 144 hours from the close of the meeting.~~

(d) Minutes of board proceedings in nonpublic session shall be public records and made available within 72 hours of the meeting, unless, pursuant to RSA 91-A:3, III, the board votes to keep such records confidential.

(e) Persons desiring copies of board records shall submit a request ***pursuant to Plc 103.01 that contains the information specified in Plc 103.02*** ~~which reasonably describes the information being sought and pay a copying fee of \$.25 per page.~~

(f) If records are requested which contain both public information and information exempt from disclosure pursuant to RSA 91-A or other law, the ***custodian of the board's records*** ~~administrative assistant~~ shall delete the information exempt from disclosure and provide the remaining information.

Appendix I – Statutes Implemented

Rule	Specific State Statute the Rule Implements
Nat 101	RSA 541-A:7
Nat 102	RSA 541-A:7
Nat 102.01	RSA 541-A:16, I(a)
Nat 103.01	RSA 328-E:7, I
Nat 103.02(a) and (b)	RSA 328-E:16, III
Nat 103.02(c) (new)	RSA 328-E:10, I(d)
Nat 103.02(c), (e), and (f) (repeal)	2023, 212:24, I, eff. Oct. 3, 2023
Nat 103.03	RSA 328-E:16
Nat 103.04	RSA 328-E:15
Nat 103.05	RSA 328-E:7, IV
Nat 103.06(a)	RSA 328-E:7, V
Nat 103.06(b) and (c)	RSA 541-A:16, I(b)
Nat 103.07	RSA 91-A:2, II
Nat 103.08 (repeal)	2023, 212:24, II, effective October 3, 2023
Nat 103.09	RSA 541-A:16, I(b)
Nat 104.01	RSA 541-A:16, I(a)
Nat 104.02(a)	RSA 91-A:4, IV
Nat 104.02(b)	RSA 310:4, II(e)
Nat 104.02(c)	RSA 91-A:2, II
Nat 104.02(d)	RSA 91-A:3, III
Nat 104.02(e)	RSA 91-A:4, IV
Nat 104.02(f)	RSA 541-A:16, I(a)