

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

Board of Acupuncture Licensing



MINUTES of March 13, 2020

The June 12, 2020 meeting of the Board of Acupuncture Licensing convened at 10:09 a.m. with the following members present:

Cindy Theroux-Jette, Lic. Ac., Chair
Deborah Meuse, Lic. Ac.
Amy Goldstein, Public Member

Absent: Diane Chase, Lic. Ac.
Vicki Irwin, Lic. Ac.

ADMINISTRATIVE

1. The Board reviewed the public minutes from December 13, 2019 and noted numerous changes needed to be made. The Minutes of the that meeting will be corrected and brought back before the Board at their June 12, 2020 meeting

2. Rules:

a. The Board voted on a motion from Cindy Theroux-Jette with a second by Deborah Meuse to accept the conditionally approved rules Acp 301.01, Acp 301.02, Acp 306.01, Acp 401.02, Acp 401.04, Acp 402.03, and Acp 402.04.

Rules Attorney, Tom Broderick, then filed the documents with Administrative Rules. Attorney Broderick informed the Board that the conditional approval was accepted and they were free to adopt.

The Board then voted on a motion from Cindy Theroux-Jette with a second by Deborah Meuse to adopt changes to Acp 301.01, Acp 301.02, Acp 306.01, Acp 401.02, Acp 401.04, Acp 402.03, and Acp 402.04.

b. Acp 302.03 – Degree requirements and waivers thereof. The Board informed rules Attorney Tom Broderick to hold off on submitting the rule changes. They will continue to discuss in June and submit this change within a larger rules packet.

c. The Board discussed rule changes which would not require someone who has an associates or higher degree to obtain a waiver. This discussion will continue at the June Meeting. Relevant law is RSA 328-G:9 (f) and (g).

- d. The Board reviewed Acp 301.02(g) which requires the information about applying for a waiver on the application. The Board is considering removing the requirement and including the information in a cover letter not the form itself. Further discussion on this topic will continue at the June meeting.

Law:

- a. HB 1314 relative to the licensure by the board of acupuncture licensing. **Sponsored by Representative Schmidt – voted “Ought to Pass with Amendment”.**

The Board reviewed the amendments to the bill and had the following concerns:

- RSA 328-G:3, III is being changed to add “No member shall serve more than 2 consecutive full terms. This change does not allow for someone to serve in a holdover status. The Board will seek to have this corrected to be consistent with other Board’s rules.
- RSA 328-G:9, (b) is proposing the removal of the words “current, active”. This needs to be left in because a person can hold a certification and the status could be inactive.
- RSA 328-G:9, II (c) is proposed to be removed “Has successfully completed a NCCAOM approved Clean Needle Technique Course.” This should be left in because it is consistent with the national standard on infection control.
- RSA 328-G:9-a II (b) is proposing to remove “with a least 2 site visits by”. The Board wishes to leave it in and change 2 site visits to 1 site visit per year.
- RSA 328-G:9-a II (b) is adding “a physician, or an osteopath licensed under RSA 329.” The Board wishes to keep licensed acupuncturist on the list and add in good standing.

The Board voted on a motion from Cindy Theroux-Jette with a second by Amy Goldstein to authorize their Administrator, Tina M. Kelley, to testify on behalf of the Board regarding this legislation.

3. Dorian G. Kramer is asking the Board the question “As Lac’s are we allowed to council patients about medical marijuana use in NH or is it outside our scope of practice?” RSA 328-G:10 describes the scope of practice and states that “lifestyle counseling” is part of that scope. In addition, Acp 601.02 Duties of Licensees Regarding the Scope of Practice states that “Each licensee shall practice only within the scope of his or her training, expertise, and capability. The Board voted on a motion from Cindy Theroux-Jette with a second by Deborah Meuse to inform him that it is within the scope of practice as long as the counsel being provided is in accordance with RSA 328-G:10 and Acp 601.02.

4. Barry Fudim asked the Board if taking advanced meditation programs can be used for CEU's? The Board voted on a motion from Cindy Theroux-Jette with a second by Amy Goldstein to respond that it is as long as the course meets the requirements outlined in Acp 402.03, Acp 402.04, and Acp 402.05.
5. The Board discussed the Board of Acupuncture policy for apprenticeship route to licensure. In accordance with RSA 328-G:9, II(g) apprenticeship programs must conform to NCCAOM standards. NCCAOM will be discontinuing the apprenticeship program December 31, 2021. The Board will discuss how to address this at their upcoming meetings.
6. NH Attorney General's 22nd Administrative Law Training will be held on April 24, 2020. Board members who wish to attend must sign up by the deadline of April 10, 2020. These spaces go fast.
7. The Board was provided with the meeting dates for 2020. This was informational.
8. The Board was provided with a document showing the verbiage to enter into non-public session and exit non-public session. This was informational.
9. The Board reviewed an e-mail from Ms. Cooley asking if there was a way she could see a licensing date of the Acupuncture Detoxification Specialists. She indicated that there are no dates on the license look up when she views these individuals as a group. The Board voted on a motion from Cindy Theroux-Jette with a second by Amy Goldstein to send her an e-mail letting her know that she can access that information by going to the State of NH License Look Up and obtaining the individual record rather than the group list.

ADJOURN: on a motion by Deborah Meuse with a second by Cindy Theroux-Jette, the motion to adjourn at 2:40 p.m. carried in the affirmative.

Minutes respectfully submitted by Tina M. Kelley, Board Administrator

03/13/20

Motion to commence non-public session:

On the motion of Cindy Theroux-Jette with a second by Deborah Meuse, the Board, voted to conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct and noting that 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. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present.

NON-PUBLIC SESSION:

[Minutes kept separately]

Motion to keep minutes of non-public session confidential:

Upon the motion of Cindy Theroux-Jette with a second by Amy Goldstein, the Board voted to withhold and seal the minutes of the preceding non-public session from public disclosure pursuant to RSA 91-A: 3, III on the grounds that public disclosure would be likely to affect adversely the reputation of a person other than a Board member and to render the proposed action ineffective. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present.