

# BOARD OF ACUPUNCTURE LICENSING



## PUBLIC MINUTES September 24, 2021

### **Call to Order**

The September 24, 2021, meeting of the Board of Acupuncture Licensing (the “Board”) convened at 10:00 a.m. at the Office of Professional Licensing and Certification, 7 Eagle Square, Concord, New Hampshire, 03301, with the following members present and eligible to vote: Jody Bell, Cindy Theroux-Jette, Diane Chase and Vicki Irwin.

The following board member was absent: Amy Goldstein.

### Others Present:

Joe Shoemaker, Director of Administration

Tina Kelley, Rules Division

Victoria Davies, Board Administrator II

Peter Schmidt, Representative, New Hampshire House of Representatives

### **APPROVAL OF MINUTES**

**Public Minutes – June 25, 2021** – On motion of Cindy Theroux-Jette and second by Diane Chase, the Board voted unanimously to accept the Public Minutes of June 25, 2021, as amended.

### **Items**

**Readopt with amendment Acp 302.03** – On motion of Cindy Theroux-Jette and second by Diane Chase, the Board voted unanimously to adopt the Acp 302.03 with the amendment.

**Acp 103.01, 302.02 Conditional Approval Response** – On motion of Cindy Theroux-Jette and second by Diane Chase, the Board voted unanimously to accept the Conditional Approval of Acp 103.01 and 302.02.

**Acupuncture Licensing Fees** –Victoria Davies shared the following with the Board: Beginning July 1, 2021, OPLC changed its allocation method for shared costs. Generally, most costs are considered shared (such as overhead, supplies, personnel, etc.), unless there are certain expenses specific to your board. An example of direct costs would be the personnel costs of an inspector who works directly for a particular board, such as inspectors for the Board of Barbering, Cosmetology & Esthetics.

Based on conversations with the Legislative Budget Assistant (LBA), OPLC has proposed to charge all boards the same average cost per licensee for shared costs. The justification for this is that all boards have access to the same services provided through shared costs.

**NH BOARD OF ACUPUNCTURE LICENSING  
PUBLIC MEETING  
September 24, 2021**

Additionally, to the extent that certain boards have been subsidizing others, there is a concern about certain boards or professions being unlawfully taxed. While OPLC understands that certain professions may have more difficulty paying a particular fee, conversations with the LBA have lead OPLC to the conclusion that that should not necessarily be a consideration with the current statutory framework surrounding fees. OPLC is happy to explore potential future solutions for such individuals, working with the boards.

OPLC believes that the proposed fees are intended to generate the amount necessary to ensure the efficient operations of the office and to support the boards and the regulated licensees during the next biennium. Additionally, the current FY22/23 budget is designed to minimize the amount of funds lapsed to the general fund. We welcome your constructive feedback, and look forward to working with you.

Jody Bell would like to respond to the comment located on Table 1002.2 Application Fees for Professions Regulated by the Board of Acupuncture. More specifically, Acp 304 also establishes a registration process for interns, but no fee is established. Should there be a fee? Ms. Bell, including the entirety of the Board would like to respond with the following statement, with charging a fee for an internship is not necessary.

**Elaine Leifer – Practice Questions** – The Board recommended to refer Ms. Leifer to OPLC’s website where she would be able to locate universal best practices relating to COVID-19. The Board would also refer Ms. Leifer to ***328-G: 9 Licensure Required; Renewal; Reissuance; Continuing Education. V.*** regarding her question relating to the title “Dr.”

The Board ensued discussion regarding the current inability for persons licensed with the New Hampshire Board of Acupuncture who has earned a doctoral degree in the practice of acupuncture from an ACAOM or board-approved program to hold himself or herself out and advertise as a doctor of acupuncture, or use any other letters or words denoting that the individual has earned a doctoral degree in the practice of acupuncture. The Board did draft a House Bill, #1314, in the 2020 session but it was laid on the table due to urgent need in addressing the pandemic related legislation. The Board would like to re-draft the proposal to go to the Senate. Acupuncture Doctorate Degrees are now recognized in the State and the Board feels it would be appropriate to propose the changes again.

On motion of Cindy Theroux-Jette and second by Diane Chase, the Board voted unanimously to form a committee, which will include Ms. Theroux-Jette and Ms. Chase, with the assistance of Peter Schmidt to draft the proposed changes to the Senate.

**Laura Cooley – Response to Checklist Request** – The board was first notified of Ms. Cooley's proposed training program for acupuncture detoxification specialists, titled “AcuAid Ear Acupuncture Training Program” when it reviewed her 2/17/21 email at its regular meeting on 3/12/21. In this email, Ms. Cooley asked for state approval for her training program, but there

**NH BOARD OF ACUPUNCTURE LICENSING  
PUBLIC MEETING  
September 24, 2021**

was no program attached. As such, the board was unable to determine if the proposed program demonstrated compliance with the requirements set forth by the rules in Acp 705.03 - 705.05. At this meeting, the board requested its administrator at the time, Elaine Bonner, email Ms. Cooley and ask her to submit the training manual for the Board to review.

6/22/21: On this date, just a few days before the regularly scheduled meeting on 6/25/21, the board received a 115-page training program authored by Ms. Cooley titled “AcuAid Public Health Acupuncture Training Program” (the title of this program was different than the one mentioned in her 2/17/21 email). Ms. Cooley attended this meeting on 6/25/21 via Zoom, was adversarial, voiced frustration and accused the board of being slow and difficult. The board explained that it had not seen the documentation prior to a few days before 6/25/21 and agreed to expedite the process for her. The board agreed to work towards having this 115-page training program reviewed in its entirety no later than August 15, 2021. Further, the board voted to conditionally approve it, provided it meets all of the requirements outlined in Acp 705.02 Board Approval of NADA-Equivalent Training Programs, Acp 705.03 Didactic and Clinical Experiences Required, Acp 705.04 Board-Approved Training Curriculum Requirements, and Acp 705.05 Board-Approved Course Objectives.

7/05/21: The board agreed on 6/25/21 to expedite the review and realized on 7/05/21 that the proposed course did not have the necessary subject matter or course objectives. Instead of meeting and voting to not accept the course, it contacted its administrator, Victoria Davies, and asked her to reach out to Ms. Cooley to give her an opportunity to submit additional information or help the board find the required information in the training manual.

7/09/21: The board shared with Ms. Cooley a checklist of information that the rules require, including the required subject matter in Acp 705.04 Board-Approved Training Curriculum Requirements and the required course objectives in Acp 705.05 Board-Approved Course Objectives. This checklist can assist instructors with organizing the curriculum and help them with meeting the requirements when in the process of developing a training manual for board approval, and it helps the board in reviewing the proposed program. The Board has not received the information as required in the checklist.

Victoria Davies, will reach out to Ms. Cooley regarding the checklist requirements and further define what Ms. Cooley will need to submit in order to have course approved.

**Laura Cooley** – Ms. Cooley’s email to Victoria Davies, outlines concerns regarding renewal of Acupuncture and Acupuncture Detox Specialist licenses/or certifications. According to Ms. Cooley numerous individuals did not receive the renewal notifications for their June 30, 2021 renewal from OPLC. Although each individual’s circumstance varies, there have been a multitude of reasons why each individual has not received the renewal notification. This includes outdated email addresses on file with the Board and the notifications being forced into that email holder’s spam folder. Victoria Davies has addressed Ms. Cooley’s concerns prior to today’s meeting. This item is to inform the Board of the on-going concerns.

**NH BOARD OF ACUPUNCTURE LICENSING  
PUBLIC MEETING  
September 24, 2021**

**Website Errors** – Vicki Irwin brought to the Board’s attention an inaccuracy located on the Board’s website under the application checklist section: it appears to state all licenses shall expire 2 years from the date of issue. The information is incorrect and will need to reflect the Board’s current renewal cycle procedure. Victoria Davies will have the IT team correct the error.

**License Application**

1. **David Wurzel – Temporary Teaching License** – On motion of Cindy Theroux-Jette and second by Jody Bell, the Board voted unanimously to approve the Temporary Teaching License Application.
2. **William Boylan – New Application (Late renewal)** – On motion of Cindy Theroux-Jette and second by Diane Chase, the Board voted unanimously to approve William Boylan’s initial application for late renewal.
3. **Nicol Giandomenico – Initial Application** – On motion of Cindy Theroux-Jette and second by Vicki Irwin, the Board voted unanimously to approve Nicol Giandomenico’s application for licensure. The Board requested Ms. Giandomenico be issued an advisement letter relating to her use of “Dr.” in her email address on file with the Board. The email address could imply to the public that the "Dr." credential may relate to the provision of acupuncture services. The Board would like to request Ms. Giandomenico modify her email address to clarify the credential or eliminate it, in order to ensure compliance with RSA 328-G:9,V.
4. **Paul Rooney – Initial Application** – On motion of Cindy Theroux-Jette and second by Diane Chase, the Board unanimously voted to approve Paul Rooney’s initial application for licensure.
5. **Joseph Allis – New Application (Late Renewal)** – On motion of Cindy Theroux-Jette and second by Vicki Irwin, the Board voted unanimously to approve Joseph Allis’s initial application for late renewal.

At 11:47 a.m., pursuant to RSA 91-A:3, and upon motion by Cindy Theroux-Jette and second by Jody Bell, the Board voted by roll call to go out of public session and into non-public session because public disclosure may render a proposed action ineffective or adversely affect the reputation of a person other than a Board member.

At 11:56 a.m., Cindy Theroux-Jette moved to seal the non-public minutes. Jody Bell seconded the motion. The Board voted unanimously by roll call vote to maintain the privacy of the items

**NH BOARD OF ACUPUNCTURE LICENSING**  
**PUBLIC MEETING**  
**September 24, 2021**

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.

Upon motion of Cindy Theroux-Jette, second by Diane Chase, members of the Board agreed unanimously by roll call to adjourn the meeting. Ms. Theroux-Jette adjourned the meeting at 11:57 a.m.