

Adopt Plc 1100, previously effective 3-20-10 as He-P 1400 (doc. #9681) and expired 3-20-18, to read as follows:

CHAPTER Plc 1100 REFLEXOLOGISTS, STRUCTURAL INTEGRATORS, AND ASIAN
BODYWORK THERAPISTS

Statutory Authority: RSA 328-H:5, VIII

PART Plc 1101 PURPOSE AND APPLICABILITY

Plc 1101.01 Purpose. The purpose of this chapter is to implement RSA 328-H relative to regulating the professions of reflexology, structural integration, and Asian bodywork therapy, by establishing requirements for:

- (a) Obtaining and renewing a license to practice reflexology, structural integration, or Asian bodywork therapy;
- (b) Obtaining the reinstatement of a license to practice reflexology, structural integration, or Asian bodywork therapy that has lapsed, expired, or otherwise been rendered inactive or invalid; and
- (c) Regulating the practices of licensed reflexologists, structural integrators, and Asian bodywork therapists.

Plc 1101.02 Applicability. This chapter shall apply to:

- (a) Any individual who intends to practice or who does actually practice reflexology, structural integration, or Asian bodywork therapy in New Hampshire, except as provided by RSA 328-H:13, reprinted in Appendix B; and
- (b) Any entity that wishes to be approved as a certifying organization.

PART Plc 1102 DEFINITIONS

Plc 1102.01 “Advisory board” means “board” as defined in RSA 328-H:2, II, namely, “the advisory board of reflexology, structural integration, and Asian bodywork therapy.”

Plc 1102.02 “Asian bodywork therapist” means a practitioner providing Asian bodywork therapy in accordance with the scope of practice described in RSA 328-H:3, III, reprinted in Appendix B.

Plc 1102.03 “Certifying organization” means an entity listed in Plc 1107.02 or approved by the executive director pursuant to Plc 1107.05 to provide certification of qualifications for licensure.

Plc 1102.04 “Cooperate” means to provide information requested by an investigator during an investigation and to answer any questions posed by the investigator in order to enable the executive director to determine compliance with RSA 328-H and Plc 1100.

Plc 1102.05 “Executive director” means the executive director of the office of professional licensure and certification (OPLC) or designee.

Plc 1102.06 “Inappropriate sexual contact” means the intentional touching of the client’s breasts or genitalia by the licensee when such touching:

- (1) Is a therapeutic aspect of the therapy, but is done without the informed consent of the client; or

(2) Is not a necessary, therapeutic aspect of the therapy and is performed primarily for the purpose of sexual arousal or gratification of the licensee or the client, regardless of the client's consent.

Plc 1102.07 "Investigator" means an individual authorized by the executive director to conduct an investigation into allegations of potential violations by a practitioner of applicable provisions in RSA 328-H or Plc 1100, or both.

Plc 1102.08 "Licensee" means "licensee" as defined in RSA 328-H:2, V, namely, "a person to whom a license has been issued pursuant to [RSA 328-H]".

Plc 1102.09 "Offense" means an act or acts of inappropriate sexual contact occurring during the course of a single therapy session.

Plc 1102.10 "Practice" means "practice" as defined in RSA 328-H:2, VI, namely, "the application of a system of structured touch therapies which includes reflexology, structural integration, or Asian bodywork therapy."

Plc 1102.11 "Practitioner" means "practitioner" as defined in RSA 328-H:2, VII, namely, "a person who practices touch therapies for compensation and holds a current certification from an entity approved by the executive director as a reflexologist, structural integrator, or Asian bodywork therapist."

Plc 1102.12 "Reflexologist" means a practitioner providing reflexology in accordance with the scope of practice described in RSA 328-H:3, I, reprinted in Appendix B.

Plc 1102.13 "Structural integrator" means a practitioner providing structural integration in accordance with the scope of practice described in RSA 328-H:3, II, reprinted in Appendix B.

Plc 1102.14 "Working day" means any Monday through Friday, excluding days on which state offices are closed in observation of holidays.

PART Plc 1103 ADVISORY BOARD

Plc 1103.01 Appointment of Advisory Board Members.

(a) As required by RSA 328-H:6, the executive director shall appoint 3 practitioners to represent each field regulated under RSA 328-H on the advisory board.

(b) Each of the practitioners appointed to the advisory board shall:

(1) Have been certified by the appropriate certifying organization for at least 2 years preceding the appointment;

(2) Be currently licensed in New Hampshire when appointed and for the duration of the term; and

(3) As required by RSA 328-H:6, V, have been a resident of New Hampshire for at least one year immediately preceding appointment to the advisory board.

(c) After the initial appointments to create staggered terms, and as provided in RSA 328-H:6, each advisory board member shall:

(1) Be appointed to serve a 3-year term; and

(2) Serve for not more than 2 full consecutive terms.

Plc 1103.02 Meetings of Advisory Board.

- (a) The advisory board shall meet at the call of the executive director.
- (b) Meetings of the advisory board shall be held at the OPLC's offices in Concord, NH, or in such location as the executive director determines will be most convenient for the largest number of anticipated attendees.
- (c) Notice of meetings shall be provided as required by RSA 91-A.
- (d) Records of the advisory board shall be kept by the executive director as required by RSA 91-A.

Plc 1103.03 Responsibilities of Advisory Board. The advisory board shall have the responsibilities specified in RSA 328-H:6.

PART Plc 1104 INITIAL LICENSURE

Plc 1104.01 Initial License Application Submission.

- (a) Any individual who is 18 years or older on the date of application, as required by RSA 328-H:8, I(a), who wishes to engage in the practice of reflexology, structural integration, or Asian bodywork therapy who is not already licensed in New Hampshire shall file an application for an initial practitioner license in accordance with this section.
- (b) Each applicant for initial licensure shall submit an "Application for State of New Hampshire License to Practice Reflexology, Structural Integration, or Asian Bodywork Therapy" form, revised April 2022, that contains the following:
 - (1) Whether the applicant is applying for a license to practice reflexology, structural integration, or Asian bodywork therapy;
 - (2) The applicant's first name, middle name, and last name;
 - (3) The applicant's date of birth, including the month, day, and year;
 - (4) The applicant's social security number as required by RSA 161-B:11, VI-a and 42 U.S.C. 666(a)(13);
 - (5) The applicant's home mailing address;
 - (6) The applicant's daytime telephone number including area code;
 - (7) The applicant's personal email address;
 - (8) The name of each jurisdiction where the applicant holds or held any professional license or certificate, whether to practice reflexology, structural integration, or Asian bodywork therapy or any other related or unrelated profession, and for each, the following:
 - a. The profession in which the applicant is or was licensed;
 - b. The number of years the applicant was licensed; and
 - c. The status of the license or certificate, including whether a license or certificate was denied or is active, suspended, or revoked;
 - (9) The name, location, telephone number including area code, website URL if any, and email address if any of the business at which the applicant works or intends to work, if known;

(10) A yes or no answer to whether the applicant has been convicted of any crime involving violence inflicted on a person or threatened against a person, or any sexually-related crime, in accordance with RSA 328-H:8, I(d); and

(11) The applicant's dated signature under the following pre-printed statement, provided that when the application becomes available on-line, the act of submitting the application shall constitute the applicant's signature and the date of submission shall be the date:

“By my signature I attest full compliance with RSA 328-H and all corresponding New Hampshire rules and that the information and documentation provided are true, complete, and not misleading to the best of my knowledge and belief. I understand that knowingly providing false or misleading information may be grounds for denial, suspension, or revocation of a license.”

(c) Each applicant for initial licensure shall provide the following additional documents and payments with his or her application:

(1) Documentation of current certification by the applicant's respective certifying organization, as listed in Plc 1107.02;

(2) If the applicant has been denied any professional license or if the applicant holds or held a professional license that was suspended or revoked, or for which any disciplinary action was taken by the applicable regulatory authority, a written explanation detailing the circumstances surrounding each such action that includes the profession, date of action, reason(s) for action, and any other information the applicant believes is relevant;

(3) If the applicant answers “yes” to the question regarding specified criminal convictions, a written explanation detailing the circumstances surrounding each such conviction that includes the date and jurisdiction of the conviction and any other information the applicant believes is relevant; and

(4) The application processing fee required by Plc 1002.

(d) The application, together with the additional documents and payment required by (c), above, shall be submitted to the executive director.

(e) If the application is denied in accordance with Plc 1104.02(e), the application processing fee shall not be refunded to the applicant.

Plc 1104.02 Processing of Applications for Initial Licensure.

(a) Within 30 days of receipt of an application for initial licensure submitted pursuant to Plc 1104.01, the executive director shall review the application and either accept the application as being complete or notify the applicant in writing that the application is incomplete, specifying what the applicant needs to submit to complete the application.

(b) The executive director shall approve an application for initial licensure and issue a license if the applicant:

(1) Has submitted an application that meets the requirements of Plc 1104.01; and

(2) Meets all other requirements specified in RSA 328-H:8, I, reprinted in Appendix B.

(d) The executive director shall notify the applicant of the decision on the application in writing sent to the personal email address provided on the application.

(e) If the executive director determines that the applicant has not demonstrated that all requirements to obtain a license are met, the notice sent pursuant to (d), above, shall inform the applicant that if the applicant wishes to challenge the decision, the applicant shall request a hearing in writing within 30 days.

Plc 1104.03 Initial Licenses.

(a) Each license to practice reflexology, structural integration, or Asian bodywork therapy issued by the executive director shall specify:

- (1) The name of the licensee;
- (2) The effective date of the license;
- (3) The license number; and
- (4) The specific therapy the licensee is authorized to practice, whether reflexology, structural integration, or Asian bodywork therapy.

(b) Licenses shall be:

- (1) Valid for 2 years as provided in RSA 328-H:8, III, unless sooner suspended or revoked in accordance with Plc 1106.02; and
- (2) Subject to renewal biennially on or before June 30 as provided in RSA 328-H:9, II.

Plc 1104.04 Licensee Obligations.

(a) All licensees shall notify the executive director within 10 working days when a change of home or business address or change in personal telephone number or email address occurs.

(b) All licensees shall notify the executive director within 10 working days of any disciplinary action, including the imposition of fines or penalties, taken or in progress of being taken against the licensee by another jurisdiction in which the licensee is licensed;

(c) All licensees shall:

- (1) Know when his or her license is due to expire; and
- (2) File an application for renewal prior to the expiration of the current license in accordance with Plc 1105.01 if he or she wishes to continue to practice in New Hampshire.

(d) As required by RSA 328-H:8, IV, all advertising and promotional material, including but not limited to business cards, brochures, and yellow pages, shall display the licensee's license number.

(e) As required by RSA 328-H:8, V, each practitioner shall post his or her license in each office the licensee practices in, or carry the license on the licensee if the licensee practices at locations other than his or her own office or offices.

PART Plc 1105 LICENSE RENEWAL

Plc 1105.01 Application for License Renewal.

(a) At least 60 days prior to the expiration of a license issued pursuant to RSA 328-H and Plc 1100, the executive director shall:

- (1) Notify, in writing to the email address on file, each practitioner whose license is expiring that the license is due to expire; and

(2) Include with the written notice a registration code for the practitioner to use to renew on-line.

(b) A practitioner who wishes to renew his or her license who does not receive a registration code shall contact OPLC customer support at CustomerSupport@oplcnh.gov to obtain a code.

(c) A practitioner who wishes to renew his or her license shall submit to the executive director, using the on-line system available at <https://forms.nh.gov/license/Login.aspx>, the following:

- (1) The applicant's license number and expiration date;
- (2) The applicant's license type;
- (3) The applicant's first name, middle name, and last name;
- (4) The applicant's date of birth, including month, day, and year;
- (5) The applicant's social security number, as required by RSA 161-B:11, VI-a and 42 U.S.C. 666(a)(13);
- (6) The applicant's home physical address, including the county, and the applicant's home mailing address;
- (7) The applicant's home or other personal telephone number including area code;
- (8) The applicant's email address;
- (9) The applicant's business address and business contact information;
- (10) If the information the applicant provided with his or her application for initial licensing relative to other professional licensing has changed, an update of that information;
- (11) A yes or no answer to whether the applicant has been convicted of any crime involving violence inflicted on a person or threatened against a person, or any sexually-related crime, in accordance with RSA 328-H:8, I(d);
- (12) The applicant's dated signature below the following pre-printed statement:

"I attest to full compliance with RSA 328-H and all corresponding New Hampshire rules and that the information and documentation provided is true, complete, and not misleading to the best of my knowledge and belief. I understand that knowingly providing false or misleading information may be grounds for denial, suspension, or revocation of a license."

(d) Each applicant for renewal licensure shall provide the following additional documents and payments with his or her application:

- (1) Documentation of current national certification by the applicant's respective certifying organization, as listed in Plc 1107.02;
- (2) If the applicant has provided updated information about other professional licensing that has been denied or for which other disciplinary action, including but not limited to suspension or revocation, has been taken, a written explanation detailing the circumstances surrounding each such action that includes the profession, date of action, reason(s) for action, and any other information the applicant believes is relevant;

- (3) If the applicant answers “yes” to the question regarding specified criminal convictions, a written explanation of the circumstances surrounding each such conviction that includes the date and jurisdiction of the conviction and any other information the applicant believes is relevant; and
- (4) The application processing fee required by Plc 1002.
- (e) As provided in RSA 328-H:9, III, a license shall continue as valid until final action is exercised by the executive director on the application for renewal, provided the application is filed before the expiration date of the license.

Plc 1105.02 Processing of Renewal Applications.

- (a) Within 30 days of receipt of an application for license renewal submitted pursuant to Plc 1105.01, the executive director shall review the application and either accept the application as being complete or notify the applicant in writing that the application is incomplete, specifying what the applicant needs to submit to complete the application.
- (b) The executive director shall approve an application for renewal if the applicant:
- (1) Has submitted a renewal application that meets the requirements of Plc 1105.01; and
 - (2) Is in compliance with all provisions of RSA 328-H and Plc 1100, including:
 - a. Not having been convicted of any crime involving violence inflicted on a person or threatened against a person, or any sexually-related crime;
 - b. Not having been found by the executive director to have committed an act of inappropriate sexual contact with a client, pursuant to an adjudicative proceeding conducted in accordance with Plc 200; and
 - c. Payment of any administrative fine imposed by the executive director pursuant to Plc 1106.03.
- (c) If an applicant for renewal cannot show that he or she meets the requirements specified in (b)(2), above, the executive director shall request the applicant to provide additional information to support the issuance of a license.
- (d) The executive director shall notify the applicant of the decision on the renewal application in writing sent to the personal email address provided on the application.
- (e) If the executive director determines that the applicant has not demonstrated that all requirements to renew a license are met, the notice sent pursuant to (c), above, shall inform the applicant that if the applicant wishes to challenge the decision, the applicant shall request a hearing in writing within 30 days.
- (f) If the application is denied, the license renewal application processing fee shall not be returned to the applicant.

Plc 1105.03 Renewal Licenses.

- (a) Each renewal license to practice reflexology, structural integration, or Asian bodywork therapy issued by the executive director shall specify:
- (1) The name of the licensee;
 - (2) The effective dates of the license;

- (3) The license number; and
 - (4) The specify therapy the licensee is authorized to practice, whether reflexology, structural integration, or Asian bodywork therapy.
- (b) Licenses shall be:
- (1) Valid for 2 years as provided in RSA 328-H:8, III unless sooner suspended or revoked pursuant to Plc 1106.02; and
 - (2) Subject to renewal biennially on or before June 30 as provided in RSA 328-H:9, II.
- (c) As required by RSA 328-H:8, IV, all advertising and promotional material, including but not limited to, business cards, brochures, and yellow pages, shall display the licensee's license number.

Plc 1105.04 Licensee Obligations.

- (a) Licensees shall notify the executive director within 10 working days when a change of home or business address or change in personal telephone number or email address occurs.
- (b) All licensees shall notify the executive director within 10 working days of any disciplinary action, including the imposition of fines or penalties, being taken against the licensee by another jurisdiction in which the licensee is licensed;
- (c) All licensees shall:
- (1) Know when his or her license is due to expire; and
 - (2) File an application for renewal prior to the expiration of the current license in accordance with Plc 1105.01 if he or she wishes to continue to practice in New Hampshire.
- (d) As required by RSA 328-H:8, IV, all advertising and promotional material, including but not limited to business cards, brochures, and yellow pages, shall display the licensee's license number.
- (e) As required by RSA 328-H:8, V, each practitioner shall post the license in each office the licensee practices in, or carried on the licensee if the licensee practices at locations other than his or her own office or offices.

Plc 1105.05 Expired License.

- (a) If an application for renewal is received after the expiration date of the license, the license shall be expired.
- (b) An individual whose license has expired in accordance with (a), above, shall not practice in New Hampshire unless and until he or she has obtained a license in accordance with RSA 328-H and Plc 1100.
- (c) An individual whose license has expired in accordance with (a), above, who wishes to obtain a license in New Hampshire shall apply for an initial license in accordance with Plc 1104.01.

PART Plc 1106 PROCEDURES; DISCIPLINARY PROCEEDINGS; ADMINISTRATIVE FINES

Plc 1106.01 Rules of Practice and Procedure.

- (a) The rules in Plc 200 shall govern procedures for:
- (1) The receipt of misconduct complaints and the investigation thereof;

- (2) The conduct of disciplinary hearings;
- (3) Waivers;
- (4) Voluntary surrender of licenses; and
- (5) Any other procedures not included in this chapter.

Plc 1106.02 Suspension or Revocation of License.

(a) The executive director shall, after notice and opportunity to be heard pursuant to Plc 200, suspend a license if the licensee fails to:

- (1) Cooperate with an investigation by the executive director; or
- (2) Pay a fine that has been imposed in accordance with Plc 1106.03.

(b) The length of suspension shall be until:

- (1) The licensee complies with the requirements for which the suspension was issued and pays any fine(s) imposed pursuant to Plc 1106.03; or
- (2) The license is revoked in accordance with (d), below.

(c) Upon reinstatement of a suspended license, the licensee shall not be required to pay an additional fee, and the expiration date of the license shall remain the same.

(d) The executive director shall, after notice and opportunity to be heard pursuant to Plc 200, revoke a license if the licensee:

- (1) Provided false information on his or her application relative to the required national certification;
- (2) Fails to comply with the conditions for the removal of a suspension within 90 days of the suspension taking effect; or
- (3) Has failed to maintain his or her national certification, as provided in RSA 328-H:10, I.

(e) An individual whose license has been revoked and who wishes to reapply for a license shall apply as for an initial license in accordance with Plc 1104.01.

(f) A license shall not be granted to an individual who previously held a license but whose license was revoked until the individual has complied with the requirements on which the revocation was based and has paid all fines imposed pursuant to Plc 1106.03 and costs imposed pursuant to RSA 310-A:1-m, VI, if any, associated with the revocation.

Plc 1106.03 Administrative Fines.

(a) The executive director shall issue a written notice to any individual proposed to be subjected to an administrative fine that notifies the individual:

- (1) Of the violation(s) for which the administrative fine is proposed;
- (2) Of the amount of the proposed administrative fine;
- (3) That the individual may request a hearing prior to the imposition of the fine; and

(4) Of the deadline for requesting a hearing, which shall be no sooner than 20 days from the date of the notice.

(b) If the recipient of the notice requests a hearing, the hearing shall be conducted in accordance with the provisions in Plc 200 and RSA 541-A that govern adjudicative proceedings.

(c) The individual may choose to waive the right to a hearing and pay the proposed fine, in which case the fine shall be paid to and received by the executive director within 30 days of receipt of the notice.

(d) Fines for violations of RSA 328-H and Plc 1100 shall be imposed in accordance with the following schedule:

(1) For submitting false or fraudulent information on or with an application, the fine shall be \$2,000;

(2) For falsification of a license to practice reflexology, structural integration, or Asian bodywork therapy, the fine shall be \$2,000;

(3) For practicing or advertising reflexology, structural integration, or Asian bodywork therapy without having an active New Hampshire license, the fine shall be \$1,000 per month or portion thereof the practice or advertising occurs;

(4) For failing to cooperate during an investigation, the fine shall be \$750;

(5) For committing an act or acts of inappropriate sexual contact, the fine shall be \$2,000 for each offense;

(6) For continuing to practice in New Hampshire after failing to maintain national certification in accordance with RSA 328-H:10, I, the fine shall be \$1,000 per month or portion thereof the practice occurs;

(7) For failing to notify the executive director within 10 working days of the expiration, suspension, or revocation of the licensee's national certification, the fine shall be \$250 per month or portion thereof the notification is late;

(8) For failing to notify the executive director within 10 working days when a change of home or business address or change in personal telephone number or email address occurs, the fine shall be \$25 per month or portion thereof the notification is late; and

(9) For failing to notify the executive director within 10 working days of any disciplinary action, including the imposition of fines or penalties, taken against the licensee by another jurisdiction in which the licensee is licensed, the fine shall be \$250 per month or portion thereof the notification is late.

(e) If the executive director believes a fine is appropriate for a violation that is not included in (d), above, the amount of the fine to be sought shall be scaled to reflect the scope and severity of the violation based on:

(1) How much the violation deviated from the requirement;

(2) Whether the violation was committed negligently, recklessly, or intentionally; and

(3) The extent of harm or potential for harm that occurred.

(f) As provided in RSA 328-H:15, the imposition of an administrative fine shall not preclude the imposition of further penalties or administrative actions under RSA 328-H.

PART Plc 1107 CERTIFICATION REQUIREMENTS

Plc 1107.01 Certification Required. An applicant for an initial or renewal license under RSA 328-H and Plc 1100 shall have the specified certification from the applicable certifying organization listed in Plc 1107.02 or from a certifying organization approved by the executive director pursuant to Plc 1107.05.

Plc 1107.02 Approved Certifying Organizations. The certifying organizations and certifications approved for each type of license shall be as follows:

- (a) For reflexology, foot certification from the American Reflexology Certification Board (ARCB®);
- (b) For structural integration:
 - (1) Certification from a program that is recognized by the International Association of Structural Integration (IASI) as compliant with IASI's current educational standards, as listed on the IASI website at <https://www.theiasi.net> or directly at <https://www.theiasi.net/si-training-programs>; or
 - (2) Membership in the IASI at a level that requires a diploma or certificate from an IASI-recognized teaching institution; and
- (c) For Asian bodywork therapy, certification:
 - (1) As a diplomate in Asian bodywork therapy from the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM); or
 - (2) From the American Organization for Bodywork Therapies of Asia (AOBTA).

Plc 1107.03 Maintenance of National Certification.

- (a) Practitioners shall comply with the requirements for maintaining certification established by the certifying organization, including but not limited to continuing education.
- (b) Practitioners shall maintain continuous national certification during a licensure period.
- (c) If a practitioner's national certification is revoked or suspended by the certifying organization, or if the certification expires, the practitioner shall:
 - (1) Notify the executive director within 10 working days; and
 - (2) Not engage in touch therapies for compensation in New Hampshire unless and until becoming certified again.

Plc 1107.04 Requests to Approve Other Certifying Organizations.

- (a) Any person who believes that an entity that is not listed in Plc 1107.02 as a certifying organization offers certification that is based on the same or more stringent criteria as the listed certifying organization(s) may request the executive director to approve the entity as a certifying organization.
- (b) The person seeking approval shall provide the following information to the executive director:
 - (1) The requestor's name, mailing address, and daytime telephone number including area code;
 - (2) The requestor's relationship with the entity, such as a member of the board or an individual who is certified by the entity;

- (3) The full formal name of the entity and each name under which the entity does business, if any;
 - (4) The legal form of the entity, such as a corporation or partnership, and the state in which the entity was formed;
 - (5) The URL of the entity's website;
 - (6) A comparison of the entity's requirements for certification to those of the listed certifying organization(s) which clearly demonstrates that the entity's requirements for certification are the same as or more stringent than those of the listed certifying organization(s); and
 - (7) Any other information the requestor thinks is relevant.
- (c) The person submitting the request shall sign and date the request.
 - (d) The signature provided pursuant to (c), above, shall constitute certification that:
 - (1) The information provided is true, complete, and not misleading to the best knowledge and belief of the signer; and
 - (2) The signer has been duly authorized by the entity to submit the request.

Plc 1107.05 Approval of Other Certifying Organizations.

- (a) The executive director shall approve an entity as a certifying organization if the information provided pursuant to Plc 1107.04, as verified by the executive director and after consultation with the advisory board, demonstrates that the entity's requirements for certification are the same as or more stringent than those of the listed certifying organization(s).
- (b) Upon approving an entity as a certifying organization, the executive director shall:
 - (1) Provide a notice on the OPLC website in a location likely to be found by individuals who might be interested in licensure under RSA 328-H that the entity has been approved as a certifying organization, such that an individual who is certified by the entity will qualify to apply for licensure; and
 - (2) Initiate a rulemaking under RSA 541-A to add the entity to Plc 1107.02.

PART Plc 1108 PRACTICE REQUIREMENTS

Plc 1108.01 Conditions Precluding Treatment. No practitioner shall treat a client having any condition for which the practitioner's specialty is contraindicated by the applicable certifying organization.

Plc 1108.02 Recordkeeping.

- (a) Practitioners shall obtain and maintain a record of each client's treatment.
- (b) If the practitioner's certifying organization establishes or has established standards for client treatment recordkeeping, the practitioner shall comply with those standards provided they are equivalent to or more detailed than the information required by (c) and (d), below.
- (c) Information to be obtained prior to the first treatment shall include the client's:
 - (1) Name, address, telephone number including area code, and date of birth; and

- (2) Medical history and physical condition, including any allergies and any condition that requires special precautions or attending physician permission, which shall be updated at least every 6 months that treatment is provided.
- (d) Records of treatment to be maintained shall include:
 - (1) Month, day, and year of each treatment;
 - (2) Area being treated;
 - (3) All techniques used;
 - (4) Duration of each treatment;
 - (5) Lotions or other preparations applied on each date of treatment, if any; and
 - (6) The client’s reaction(s), if any, to treatment or to any lotions or other preparations used, or both.
- (e) Records of client information and treatment shall be kept confidential.

Appendix A: State Statutes Implemented

Rule	State Statute(s) Implemented
Plc 1100 (see below for additional/specific provisions)	RSA 328-H
Plc 1103	RSA 328-H:6
Plc 1104	RSA 328-H:8
Plc 1105	RSA 328-H:9
Plc 1106	RSA 328-H:10; RSA 328-H:15
Plc 1107	RSA 328-H:5, I

Appendix B: Statutory Provisions

RSA 328-H:3 Scope of Practice for Reflexologists, Structural Integrators, and Asian Bodywork Therapists. –

I. Reflexologists practice the use of alternating pressure applied to the reflexes within the reflex maps of the body located on the feet, hands, and outer ears.

II. Structural integrators restore postural balance and functional ease by systematically aligning and integrating the human body in gravity. Structural integrators work through manipulation of the connective tissue matrix, enhancement of the client’s awareness, and education.

III. Asian bodywork therapists treat the human body, mind, emotions, spirit, and energy field using traditional Asian techniques and treatment strategies for the purpose of promoting, maintaining, and restoring health. Asian bodywork therapists use methods of assessment and treatment based on the principles of Chinese medicine. Treatment may include, but is not limited to touching, pressing or holding the body along meridians and/or acupoints, application of heat or cold, stretching, external

application of herbal or other topical preparations not classified as prescription drugs, and dietary or exercise suggestions.

Source. 2009, 67:1, eff. Aug. 8, 2009.

RSA 328-H:8 Practitioner License Issuance. –

I. The executive director shall issue a practitioner license to each qualified applicant who:

(a) Is at least 18 years of age on the date of the application;

(b) Makes an application on a form prescribed by the executive director;

(c) Makes payment of the \$110 license fee;

(d) Has not been convicted in New Hampshire or in any other state of any crime involving violence inflicted on a person or threatened against a person, or any sexually-related crime; and

(e) Holds a current certificate from a national certifying agency in accordance with RSA 328-H:2, VII that has been approved under RSA 328-H:5, I, and as otherwise set forth in this chapter.

II. Licenses shall be issued based on the applicant's specific training, and each license shall identify the specific bodywork profession in which the applicant is trained and certified.

III. Licenses shall be valid for 2 years.

IV. All advertising and promotional material, including but not limited to, business cards, brochures, and yellow pages, must display the licensee's license number.

V. Practitioner licenses shall be posted in each office the licensee practices in, or carried on the licensee if the licensee practices at locations other than his or her own office or offices.

Source. 2009, 67:1. 2014, 167:42. 2015, 276:107, eff. July 1, 2015.

RSA 328-H:10 License Revocation or Suspension. – After notice and opportunity for hearing, as provided under RSA 541-A, the executive director may revoke or suspend any license issued pursuant to this chapter if the licensee:

I. Fails to maintain his or her national certification as required by RSA 328-H:2, VII;

II. Violates this chapter or any rule or order adopted or issued under it;

III. Knowingly makes any false statement regarding the application or license or in any report the board requires to be made;

IV. Fails to respond to any lawful inquiry of the executive director; or

V. Is convicted of any crime involving violence inflicted on a person or threatened against a person, or any sexually-related crime.

Source. 2009, 67:1. 2015, 276:107, eff. July 1, 2015.

RSA 328-H:11 Hearings. – The contested case provisions of RSA 541-A:31-36 shall apply when a person is aggrieved by a decision of the executive director under this chapter. Appeals shall be made in accordance with RSA 541-A.

Source. 2009, 67:1. 2015, 276:107, eff. July 1, 2015.

RSA 328-H:13 Exemptions. – Nothing in this chapter shall prevent a person licensed by this state pursuant to any other provision of law from performing the occupation for which he or she is licensed.

Source. 2009, 67:1, eff. Aug. 8, 2009.