Bill as Introduced

HB 1195 – AS INTRODUCED

2000 SESSION

00-2175
10/01

HOUSE BILL ***1195***

AN ACT making technical changes to the law regulating acupuncture.

SPONSORS: Rep. Bradley, Carr 8; Sen. Wheeler, Dist 21

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill corrects references to certain organizations concerning acupuncture regulation and makes changes in the authority of the board of acupuncture on license fees and renewal.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2175
10/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT making technical changes to the law regulating acupuncture.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Definitions Changed. Amend RSA 328-G:2, VI and VII to read as follows:

VI. [~~"NACSCAOM"~~] ***"ACAOM"*** means the [~~National~~] Accreditation Commission for [~~Schools and Colleges of~~] Acupuncture and Oriental Medicine.

VII. [~~"NCCA"~~] ***"NCCAOM"*** means the National Certification Commission for Acupuncture and Oriental Medicine.

2 Reference Corrected. Amend RSA 328-G:3, I(a)(1) to read as follows:

(1) Be [~~NCCA~~] ***NCCAOM*** certified and hold a current, valid license to practice acupuncture in another state in which licensure requirements are substantially equivalent to, or higher than, those of this state, in the case of the initial board appointees, and a current, valid license to practice under this chapter, in the case of subsequent board appointees.

3 Rulemaking; License Fees. Amend RSA 328-G:7, II to read as follows:

II. Scope of practice [~~and~~], fees for ***applications, and fees for*** licenses issued or renewed under this chapter.

4 Disposition of Receipts; Administrator. Amend RSA 328-G:8 to read as follows:

328-G:8. Disposition of Receipts. All moneys received by the board under this chapter shall be paid to the [~~secretary~~] ***administrator*** of the board, who shall give a receipt therefor and shall, at the end of each month, report to the commissioner of the department of health and human services the total amount of money received and deposit it with the state treasurer.

5 References Corrected. Amend RSA 328-G:9, II(b) and (c) to read as follows:

(b) Has current, active [~~NCCA~~] ***NCCAOM*** certification through examination or Credentials Documentation Review.

(c) Has successfully completed an [~~NCCA~~] ***NCCAOM*** approved Clean Needle Technique Course.

6 References Corrected. Amend RSA 328-G:9, II(g) to read as follows:

(g) Has successfully completed a post-secondary acupuncture college program which is [~~NACSCAOM~~] ***ACAOM*** or board approved. For one year from the date on which the first license is issued this requirement will be waived for an applicant who possesses a current, valid license to practice acupuncture in another state, provided that the applicant meets the other requirements of this chapter. After one year from the date on which the first license is issued, this requirement may only be waived at the discretion of the board. The board of acupuncture licensing will review on a

case by case basis valid apprenticeship programs that demonstrate a balanced approach of clinical training and fundamental sciences and that conform to [~~NCCA~~] ***NCCAOM,*** all applicants who have not graduated from an accredited acupuncture school must show proof of successful completion of a college level course in anatomy and physiology.

7 Initial Licensure; Renewal. Amend RSA 328-G:9, IX and X to read as follows:

IX. All licenses issued by the board shall be valid [~~for 2 years from the date of issuance~~] ***until November 1 of all even-numbered years*** and shall be renewed biennially or reissued pursuant to rules adopted, and ***upon payment of*** fees established, by the board. ***The board may adopt rules to establish a procedure for phasing in the duration of initial licenses, including the proration of fees.***

X. As a condition of renewal of license, the board shall require each licensee to show proof of having completed [~~in~~] ***for*** each biennial period 30 continuing education units at approved institutions or as approved by the board. Maintaining continuous [~~NCCA~~] ***NCCAOM*** certification shall fulfill the continuing education requirement as long as [~~NCCA~~] ***NCCAOM*** certification continues to require at least 30 Professional Development Activity points [~~in~~] ***for*** each biennium.

8 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Rep. Stickney, Rock. 26
February 23, 2000
2000-3575h
10/01

Amendment to HB 1195

Amend the bill by replacing section 3 with the following:

3 Rulemaking; License Fees. Amend RSA 328-G:7, II to read as follows:

II. Scope of practice [~~and~~], fees for ***applications, and fees for*** licenses issued or renewed under this chapter ***including a procedure for phasing in the duration of initial or renewal licenses and the proration of fees.***

Amend the bill by replacing all after section 6 with the following:

7 Initial Licensure; Renewal. Amend RSA 328-G:9, IX and X to read as follows:

IX. All licenses issued by the board shall be valid [~~for 2 years from the date of issuance~~] ***until November 1 of all even-numbered years*** and shall be renewed biennially or reissued pursuant to rules adopted, and ***upon payment of*** fees established, by the board.

X. As a condition of renewal of license, the board shall require each licensee to show proof of having completed [~~in~~] ***for*** each biennial period 30 continuing education units at approved institutions or as approved by the board. Maintaining continuous [~~NCCA~~] ***NCCAOM*** certification shall fulfill the continuing education requirement as long as [~~NCCA~~] ***NCCAOM*** certification continues to require at least 30 Professional Development Activity points [~~in~~] ***for*** each biennium.

8 Application; Transition of License Renewals. The license renewal provisions relating to acupuncturists under RSA 328-G:9, IX as amended by section 7 of this act shall apply to all acupuncturists beginning with the renewal period commencing in 2002. For renewals of qualifying acupuncturists prior to November 1, 2002, the term of the acupuncturist's license shall be for the remaining period until November 1, 2002. The board shall prorate fees accordingly pursuant to rules adopted under RSA 328-G:7, II as amended by section 3 of this act.

9 Effective Date. This act shall take effect 60 days after its passage.

Rep. Stickney, Rock. 26
March 2, 2000
2000-3631h
10/09

Amendment to HB 1195

Amend the bill by replacing section 7 with the following:

7 Initial Licensure; Renewal. Amend RSA 328-G:9, IX and X to read as follows:

IX. All licenses issued by the board shall be valid for 2 years from the date of issuance and shall be renewed biennially or reissued pursuant to rules adopted, and ***upon payment of*** fees established, by the board.

X. As a condition of renewal of license, the board shall require each licensee to show proof of having completed [~~in~~] ***for*** each biennial period 30 continuing education units at approved institutions or as approved by the board. Maintaining continuous [~~NCCA~~] ***NCCAOM*** certification shall fulfill the continuing education requirement as long as [~~NCCA~~] ***NCCAOM*** certification continues to require at least 30 Professional Development Activity points [~~in~~] ***for*** each biennium.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1195 Date 2-9-2000

Committee EDHA

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con
Sen. Katie Wheeler	Durham		Sen. District 21	✓	
Teresa Rosenberger			NH Asso Naturopathic Doctors	✓	

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1195

BILL TITLE: **making technical changes to the law regulating acupuncture**

DATE: **February 9, 2000**

LOB ROOM: **202** **Time Public Hearing Called to Order:** 12:25 PM

Time Adjourned: 12:30 PM

(please circle if present)

Committee Members: Reps. Mercer, Goulet, Dyer, Langer, Holley, B. Moore, Dickinson, Stickney, Sapareto, Hamel, Millham, O'Neil, Poulin, Zolla, Murphy, Reidy, Virtue, Batchelder, Burkush, Courchesne, Landers and Lent.

Bill Sponsors: Rep. Bradley, Carr 8; Sen. Wheeler, Dist 21

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

*Rep. Bradley, sponsor. Outlined certain technical corrections in the bill. See attached. Went to Licensing Committee.

Respectfully submitted,

Ray F. Langer

Rep. Ray Langer Clerk

Testimony

Subject: Letter to Chairman Mercer, ED&A re: Amendments to RSA328-G
Date: Sun, 6 Feb 2000 15:06:29 EST
From: AGMeattey@aol.com
To: jebebrad@worldpath.net
CC: JAWhit@totalnetnh.net, charm@worldpath.net, jpdudley@monad.net, lisa@gentlecurrents.com

Rep. Robert Mercer
Chairman, ED&A Committee
NH Legislature

February 6, 2000

Dear Chairman Mercer:

I am writing regarding amendments to RSA 328-G, the statute governing acupuncture, which I understand will come up before your committee on Wednesday, February 9th. I regret that I am unable to attend the scheduled hearing, so, in lieu of that, I would like to say a few words of explanation about the requested amendments.

I should, first, say that I am the author of the proposed amendments. I was the chairperson of the original group that submitted RSA 328-G and, after passage of the statute in June of 1997, I was, subsequently, appointed to the Board of Acupuncture Licensing and served as its first chairperson until November 5, 1999. During that time period the board wrote and received approval of our initial rules. It is through that experience that we realized the need for several minor statutory changes, a fine-tuning, if you will, largely related to facilitating the administration of our duties.

The amendments that we seek and our reasons for seeking those changes are as follows:

Amend RSA 328-G:2, VI, to read: "ACAOM" means Accreditation Commission for Acupuncture and Oriental Medicine.

Reasoning: ACAOM was formerly NACSCAOM; a name and acronym change occurred after passage of RSA 328-G; this also changes a reference in RSA 328-G, II(G).

Amend RSA 328-G, VII, to read: "NCCAOM" means the National Certification Commission for Acupuncture and Oriental Medicine.

Reasoning: The acronym was changed after passage of RSA 328-G. This also changes references to it in RSA 328-G:3, I (a)(1); 328-G:9, II (b), (c) & (g); and 328-G:9, X.

Amend RSA 328-G:7 to read: Scope of practice and fees for applications and fees for licenses.

Reasoning: We need to be able to make all or a part of our initial licensing fee a non-refundable application fee so that, in the case of an application that does not result in an actual license being issued, our board does not incur expenses without opportunity for reasonable compensation.

Amend RSA 328-G:8 to read: All moneys received by the board under this chapter shall be paid to the administrator of the board.

Reasoning: Administratively, it does not make sense for the board recording secretary, who is a volunteer and only in Concord for board meetings, to be responsible for handling moneys which come in on a continual basis.

Amend RSA 328-G:9, X to read: As a condition of renewal of license, the board shall require each licensee to show proof of having completed for each biennial period 30 continuing education units at approved institutions or as approved by the board. Maintaining continuous NCCAOM certification shall fulfill the continuing education requirement as long as NCCAOM certification continues to require at least 30 Professional Development Activity points for each biennium.

Reasoning: By changing "in each biennial period" to "for each biennial period" and "in each biennium" to "for each biennium" we allow the board to write rules regarding certain circumstances under which a licensee might be granted a waiver of the deadline for CEUs but not of the obligation itself.

In addition, this reflects a change in NCCAOM policy which now certifies for a four year period rather than a two year period and requires 60 Professional Development Activity points for that four year period (still technically 30 fo r each biennium). This serves both the public interest and the licensee, because it encourages the licensee to take longer, more involved courses of study which result in much greater professional development.

I hope that my explanations of our request for statutory amendments is of help. If you have any questions regarding any of them, please, contact me. My home phone number is 603-335-1425. Thank you very much for your time and consideration.

Sincerely,

Alice Meattey, Licensed Acupuncturist
Vice-chairman, NH Board of Acupuncture Licensing
20 Hillside Drive, Rochester, NH 03867

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1195

BILL TITLE: **making technical changes to the law regulating acupuncture.**

DATE: March 21, 2000

LOB ROOM: 202

Amendments:

Sponsor: Rep. Stickney — OLS Document #: 2000 3631h

Sponsor: Rep. — OLS Document #:

Sponsor: Rep. — OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Stickney

Seconded by Rep. Virtue

Vote: 19-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 19-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Ray F. Langer, Clerk

OFFICE OF THE HOUSE CLERK

2000 SESSION

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: HB 1195 Title: _____

PH Date: ___/___/___ Exec Session Date: 3/21/2000

Motion: OTP/A Amendment #: 3631h

MEMBER	YEAS	NAYS
Mercer, Robert S, Chairman		
Goulet, Maurice E, V Chairman	1	
Dyer, Merton S		
Langer, Ray F, Clerk	2	
Holley, Sylvia A	3	
Moore, Benjamin E	4	
Dickinson, Howard C	5	
Stickney, Nancy C	6	
Sapareto, Frank V	7	
Hamel, Albert W	8	
Millham, Alida I	9	
O'Neil, Michael	10	
Poulin, Dave G	11	
Zolla, William R	12	
Murphy, Robert E	13	
Reidy, Frank J	14	
Virtue, Carolyn A	15	
Batchelder, Robert C	16	
Burkush, James A	17	
Courchesne, Judy A		
Landers, Dana L	18	
Lent, Donald R	19	
	19	0

TOTAL VOTE:
Printed: 12/30/1999

Committee Report

COMMITTEE REPORT

COMMITTEE: Executive Departments and Administration

BILL NUMBER: **HB 1195**

TITLE: making technical changes to the law regulating acupuncture.

DATE: March 22, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill as amended makes the technical correction to reflect the name change of the organization that the continuing education credit required each biennial period now comes from National Certification Commission for Acupuncture and Oriental Medicine.

Vote 19-0.

Rep. Nancy C. Stickney
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Executive Departments and Administration

HB 1195, making technical changes to the law regulating acupuncture. OUGHT TO PASS WITH AMENDMENT

Rep. Nancy C. Stickney for Criminal Justice and Public Safety: This bill as amended makes the technical correction to reflect the name change of the organization that the continuing education credit required each biennial period now comes from National Certification Commission for Acupuncture and Oriental Medicine. Vote 19-0.

Nancy K. Stickney

Blunt - HB 1195 - ~~relates to~~ making technical changes to the law regulating acupuncture.

This bill as amended ~~corrects~~ makes the technical correction to reflect the name change of the organization that the continuing education ~~hrs~~ credit required each biennial period ~~now comes~~ from National Certification Commission for Acupuncture and Oriental Medicine. 19-0 consent cal.