

CHAPTER Acp 400 LICENSE RENEWAL AND CONTINUING EDUCATION

PART Acp 401 RENEWAL OF LICENSE

Readopt with amendment and renumber Acp 401.02, effective 3-19-20 (Document #13005), as Acp 401.01, to read as follows:

Ac 401.01~~2~~ Renewal of License. *Licensees seeking to renew their license shall complete and submit:*

(a) The information required by Plc 308.06 on the “Universal Application for License Renewal”, that is signed and attested to as provided in Plc 308.08;

(b) The supporting documentation identified in Plc 308.07

(c) Attestation and proof of having met applicable continuing competence requirements, as required by applicable law;

(d) The fee required by Plc 1002.02; and

(e) A statement on the “Addendum to the Universal Application for License Renewal for Acupuncture” that the applicant is currently or has previously been certified by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) and specifying the date of expiration. Effective January 1, 2026, the organization will adopt the name to the National Certification Board for Acupuncture and Herbal Medicine (NCBAHM).

~~(a) Any licensee wishing to renew a license shall submit the following no later than the date of license expiration:~~

~~(1) A completed “License Renewal Application” form which contains the information specified by Ac 401.03; and~~

~~(2) The fee specified by RSA 328-G:9, II(d).~~

~~(b) Failure to meet the requirements of Ac 401.02(a) by the prescribed date shall result in:~~

~~(1) The potential for a temporary period of lapsed licensure during which time the applicant shall not practice acupuncture provided that:~~

~~a. Such applicant has filed an application for renewal prior to the actual date of license expiration and that application is only awaiting board approval; or~~

~~b. Such applicant has filed a petition with the board pursuant to Ac 402.03; or~~

~~(2) Expiration of licensure if application for renewal has not been filed prior to the actual date of license expiration.~~

~~(c) In the case of Ac 401.02(b)(2), such person shall not practice acupuncture until such time that a new license is applied for pursuant to Ac 301.01 and granted by the board.~~

Text added to existing rule shown in ***bold italic***.

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Text removed from existing rule shown in ~~strike-through~~.

~~—— (d) In the case of Acp 401.02(c), supporting documentation from the original application already on file with the board shall be deemed adequate.~~

~~—— (e) A renewal application shall be considered to be on file with the board on the date when the board has received:~~

~~(1) A fully completed renewal form; and~~

~~(2) Proof that the applicant's check has been deposited and cleared.~~

~~—— (f) Within 30 days of the date the renewal application is on file with the board, the board shall request, if necessary, additional information or documentation needed to clarify the renewal application or any materials related to the renewal application.~~

~~—— (g) Unless a waiver of the following time limit has been requested by the applicant and granted by the board, the board shall approve or deny the renewal application within a reasonable time not to exceed 60 days from:~~

~~(1) The date the application is on file with the board; or~~

~~(2) The date of the response to a request pursuant to Acp 401.02(f).~~

Repeal Acp 401.03, effective 5-8-23 (Document #13578), as follows:

~~—— Acp 401.03 Application Form. The “Acupuncture Renewal Application Form” shall require the applicant to supply the following information:~~

~~(a) Legal name;~~

~~—— (b) Residence and business addresses and telephone numbers;~~

~~—— (c) A statement indicating whether the applicant is actively practicing acupuncture;~~

~~—— (d) Disclosure, and explanation where applicable, of the following information regarding the previous 2-year period:~~

~~(1) If any malpractice claim has been made against the applicant, regardless of whether a lawsuit was filed in relation to the claim;~~

~~(2) If the applicant has been denied an acupuncture license, certificate, or registration anywhere for any reason;~~

~~(3) If the applicant had employment or appointment in a hospital, clinic or other health care facility suspended, or resigned from a health care facility in lieu of being subject to a disciplinary action;~~

~~(4) If the applicant has any formal disciplinary charges pending or if any disciplinary action has been taken against the applicant by any acupuncture or medical board, any health care facility, or any professional acupuncture association;~~

~~(5) If the applicant voluntarily surrendered a license to practice acupuncture or other healing art in lieu of facing disciplinary action;~~

~~(6) If the applicant has convicted of a crime involving violence, abuse, fraud, dishonesty, or drugs;~~

~~(7) If the applicant had a professional license in a field other than acupuncture revoked, suspended, or otherwise terminated on disciplinary grounds, or if any disciplinary actions are currently pending against the applicant in relation to any professional license held; and~~

~~(8) If the applicant has had an emotional disturbance, mental illness, organic illness, or addictive disorder which impaired the applicant's ability to practice acupuncture, and if so, a description of the treatment received and the outcome of such treatment;~~

~~(e) Answer yes or no to the question "Have you completed 30 hours of continuing education as described in Acp 402.01?";~~

~~(f) An affirmation that the applicant is currently National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) certified, specifying the date of expiration;~~

~~(g) The applicants signature and date of signing below the following statement:~~

~~"I certify that the information I have provided on all parts of this renewal application form and in any documentation submitted to support my renewal application is, to the best of my knowledge, true, accurate, complete, and unaltered. I acknowledge that any misrepresentations and omissions of material facts may be cause for denial of license renewal and shall be a basis for disciplinary action by the board."~~

Repeal Acp 401.04, effective 3-19-20 (Document # 13005), as follows:

~~Acp 401.04 Filing Date. An application for license renewal shall be filed no sooner than 60 days before and no later than the expiration date of the applicant's license.~~

Repeal Acp 401.05, effective 5-8-23 (Document #13578), as follows:

~~Acp 401.05 Denial of Renewal. License renewal shall be denied if, after notice and an opportunity for hearing, there is a preponderance of the evidence to establish:~~

~~(a) Noncompliance with the continuing education requirement of Acp 402.01, notwithstanding the provisions of Acp 402.03(a);~~

~~(b) Failure to furnish complete or accurate information on the "Acupuncture Renewal Application Form"; or~~

~~(c) That the requirements of RSA 328 G:9, II, and these rules relative to licensure and qualifications have not been, or no longer continue to be, met.~~

Readopt with amendment Acp 402.01, effective 5-8-23 (Document #13578), to read as follows:

Acp 402.01 Continuing Education Requirements.

(a) ~~Each licensee shall complete 30~~ ***Thirty hours of*** board approved units of Professional Development Activities (PDA) ***shall be completed*** for each 2-year renewal period by:

- (1) ~~Completing 30 continuing education units at~~ ***At*** approved institutions as described in Acp 402.05(a) or as approved by the board as described in Acp 402.05(b); and
 - (2) Completing at least 15 units of the 30 continuing education units described in (1) above that are directly related to acupuncture, and no more than 15 units indirectly related to acupuncture. Of those indirect units 2 shall be in safety and 2 shall be in ethics; or
 - (3) Maintaining current, active NCCAOM certification.
- (b) Any units in excess of the 30-unit requirement earned during a 2-year renewal period shall be applied to fulfill the continuing education requirement of the following renewal period.
- (c) Any excess PDAs carried forward under Acp 402.01(b) shall not be carried forward into subsequent biennia.
- (d) If a licensee has not met the 30-unit requirement at the time of license renewal, the licensee may ***request*** petition the board for a waiver of the deadline pursuant to ***Plc 211.03 through Plc 211.04***. ~~Acp 402.02~~.
- (e) The licensee shall be responsible for proving attendance at or participation in any continuing education courses or PDAs submitted for license renewal.

Repeal Acp 402.02, effective 5-8-23 (Document #13578), as follows:

~~Acp 402.02 Failure to Satisfy Continuing Education Requirements~~

- (a) ~~An applicant for license renewal who has not completed 30 CEUs for the preceding biennium:~~
- (1) ~~Shall file a petition with the board prior to the date of license expiration which proposes a specific timetable for completing specified courses or activities to correct the CEU deficiency; and~~
 - (2) ~~Shall suspend practicing acupuncture on the date of license expiration until such deficiency has been resolved and until the license is renewed.~~
- ~~(b) Failure to submit such petition prior to the date of license expiration shall:~~
- (1) ~~Result in license expiration; and~~
 - (2) ~~Necessitate application for a new license pursuant to Acp 301.01 and Acp 401.02(d).~~

Readopt with amendment and renumber Acp 402.03 and Acp 402.04, effective 3-19-20 (Document #13005), as Acp 402.02 and Acp 402.03, to read as follows:

Acp 402.023 Approved Continuing Education Units.

- (a) The following shall be considered board approved continuing education units:
- (1) PDAs meeting the criteria of Acp 402.04 and Acp 402.05(a) which include:
 - a. Research related to the knowledge or practice of ~~oriental~~ ***acupuncture and herbal*** medicine;

- b. Publication which relates to the knowledge or practice of ~~oriental~~***acupuncture and herbal*** medicine;
- c. Teaching courses in acupuncture, ***herbal*** ~~oriental~~ medicine, or related topics in a preceptorship, formal school, or independent seminar;
- d. Clinical supervision in a preceptorship or formal school;
- e. Supervised clinical experience in ~~oriental~~***acupuncture and herbal*** medicine including observation, case discussion, ~~and/or~~ supervised practice; and
- f. Continuing education courses including CD-ROM, teleconference, and Internet-based programs; and

(2) Other continuing education courses which meet the criteria of Acp 402.04 and Acp 402.05.

(b) PDA points shall be valued according to the following schedule:

- (1) Every 2 clock hours of documented research shall be equivalent to one PDA point;
- (2) Each acupuncture article published shall be equivalent to 10 PDA points;
- (3) Each acupuncture book or major work published shall be equivalent to 30 PDA points;
- (4) Each clock hour spent in teaching acupuncture shall be equivalent to one PDA point;
- (5) Each clock hour spent in the clinical supervision of acupuncture students shall be equivalent to one PDA point;
- (6) Each clock hour of supervised clinical experience under a senior acupuncturist shall be equivalent to one PDA point;
- (7) Each clock hour of a continuing education course shall be equivalent to one PDA point; and
- (8) Each year of service on a professional board that relates specifically to ~~oriental~~***acupuncture or herbal*** medicine shall equal 5 PDA points.

Acp 402.034 General Requirements of Continuing Education Courses.

(a) All courses shall be relevant to the practice of acupuncture and ~~oriental~~***herbal*** medicine and provide skills and knowledge that enhance an acupuncturist's practice including:

- (1) ***Acupuncture and herbal*** ~~Oriental~~ medical theory, techniques, nutrition, and herbology;
- (2) Western sciences such as:
 - a. Anatomy;
 - b. Physiology;

- c. Pathology;
 - d. Biochemistry;
 - e. Microbiology;
 - f. Psychology;
 - g. Nutrition;
 - h. History of medicine;
 - i. Medical terminology; and
 - j. Medical ethics;
- (3) The study of ***secondary*** ~~Oriental languages, t'ai chi, and qi gong~~;
- (4) ***The study of taijiquan, qigong, bagua, and xingyiquan***
- (45) Any area of expertise covered in Acp 601.03;
- (56) Courses in business, management, insurance billing, and practice building; and
- (67) Any course that is approved and accepted by NCCAOM, ***or its successor organization***.
- (b) One hour of classroom time shall be equivalent to one CEU.
- (c) CEU courses shall be board approved pursuant to Acp 402.05.

Readopt with amendment and renumber Acp 402.05, effective 5-8-23 (Document #13578), as Acp 402.04, to read as follows:

Acp 402.045 ~~Board-Approved~~ of Continuing Education Courses.

- (a) ~~The board shall automatically approve all~~ ***Approved courses are*** courses related to acupuncture, ~~Asian~~ ***herbal*** medicine, and general medical education that meet the requirements of Acp 402.04 and are:
- (1) Taught at schools that are ACAHM accredited, in candidacy, or board approved;
 - (2) Offered for credit at accredited colleges or universities;
 - (3) Approved by the NCCAOM review service ***or its successor organization***;
 - (4) Approved by Continuing Education committees of the American Association of Acupuncture and Asian Medicine or other national professional healthcare associations; or
 - (5) Approved by other state licensing boards including those offered through state professional organizations following state licensing board requirements.

(b) ***Sponsors seeking course approval shall complete and submit:***

(1) A “Universal Application for Initial License” required by Plc 304.01(a)(1), that provides the information required by Plc 304.03, the additional information and documents required by Plc 304.04, and that is signed and attested to as specified in Plc 304.05;

~~Courses offered by sponsors other than those identified in Acp 402.05(a) shall be approved only if the course offered meets all the requirements of Acp 402.04 and the board receives a letter from the sponsor which requests approval and contains the following information:~~

(2) An Addendum to the Universal Application for Continuing Education Providers for Acupuncture” that provides the following information:

~~(1) The name, address, and phone number of the sponsoring agency or its contact person;~~

~~(2) The title, location, and date of the course;~~

~~(3) A description of all subjects covered by the course which demonstrates conformity with Acp 402.04(a) and (b);~~

~~(4) The stated objective of the course and any other descriptive material about the course or the instructors which helps to evaluate the course;~~

~~(5) A course syllabus, a course schedule with hourly breakdown, and a description of all required textbooks and equipment;~~

~~(6) The name(s) and professional qualifications of the instructor(s); and~~

~~(7) A statement that attendees who are present for the entire course shall be given an attendance certificate for license renewal purposes.~~

~~(c) The board shall notify the sponsor of the board decision relative to Acp 402.05(b) within 60 days of receipt of the required letter. ***Requests for course approval shall be processed as required by Plc 304.06 and Plc 304.08.***~~

~~(d) No course shall be advertised as having board approval until ***same approval is received.*** ~~granted by the board.~~~~

Repeal Acp 402.06, effective 5-8-23 (Document #13578), as follows:

~~Acp 402.06 Notification of Course Approval~~

~~— (a) Upon approving a continuing education course, the board shall issue to the sponsoring party a letter of course approval which contains:~~

~~(1) The title of the course;~~

~~(2) The date(s) the course is offered; and~~

~~(3) The number of continuing education hours credited.~~

Readopt with amendment Acp 403.01 and Acp 403.02, effective 5-8-23 (Document #13578), to read as follows:

Acp 403.01 Notice and Imposition of Sanctions.

(a) Other than immediate license suspensions authorized by RSA 541-A:30, III ~~and Acp 403.03~~, the board shall impose disciplinary sanctions only:

(1) After prior notice ***to the respondent in accordance with Plc 206***, and an opportunity to be heard; or

(2) Pursuant to an agreed upon settlement or consent decree.

(b) Actions constituting misconduct shall be those specified in RSA ***310:12, I.*** ~~328-G:12, H.~~

(c) Following a hearing and after a finding that misconduct has occurred by a licensee, the board ***may take disciplinary action in any one or more of the following ways:*** ~~shall impose, pursuant to RSA 328-G:12, H, one or more of the following sanctions ranked in order of increasing seriousness:~~

(1) ~~Public or private~~ ***By*** reprimand;

(2) An administrative fine in an amount established by the board which shall not exceed \$32000 per offense, or in the case of a continuing offense, ~~\$300~~***250*** for each day the violation continues.

(3) Suspension, limitation, or restriction of license; ~~or~~

(4) Revocation of license; ***or***

(5) ***Probationary license status.***

(d) In determining which sanction to impose, the board shall ***apply the methods and standards as required by Plc 311.10 and Plc 311.11.*** ~~consider:~~

~~(1) Aggravating factors such as:~~

~~a. The seriousness of the offense;~~

~~b. The licensee's prior disciplinary record, including number and type of prior instances of misconduct; and~~

~~e. The resulting harm to a person or to the public health and safety; and~~

~~(2) Mitigating factors such as:~~

~~a. The lack of seriousness of the offense;~~

~~b. The licensee's lack of a prior disciplinary record;~~

~~e. The licensee's state of mind at the time of the offense;~~

~~d. The licensee's acknowledgment of their wrongdoing; and~~

~~e. The licensee's willingness to cooperate with the board.~~

~~(e) Copies of board orders imposing disciplinary sanctions and copies of all settlement agreements or consent decrees shall be sent to the licensing body of each state in which the licensee is licensed and to such other entities, organizations, associations, or boards as are required to be notified under applicable state or federal law.~~

Acp 403.02 Administrative Fines. ***The Board is permitted to assess administrative fines in amounts established by the board in its rules, that shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater.***

~~(a) Administrative fines shall be assessed in accordance with the factors stated in Acp 403.01(d), adjusted pursuant to (b) below, utilizing the following:~~

~~(1) When no violation has occurred within the 5 years preceding, the standard fine assessed shall be \$250 per offense;~~

~~(2) When a single disciplinary infraction has occurred within the 5 years preceding, the standard fine assessed shall be \$500;~~

~~(3) When more than one disciplinary infraction has occurred within the 5 years preceding, the standard fine assessed shall be \$1000;~~

~~(4) For any subsequent violation within a 5 year period, the standard fine shall be \$2000, notwithstanding (c) below; and~~

~~(5) In the case of a continuing offense, the standard fine shall be \$100 per day.~~

~~(b) A single course of continuing conduct shall be treated as a single violation for the purposes of (1), (2), (3), and (4) above.~~

~~(c) The board shall apply Acp 403.01(d) as aggravating and mitigating factors in establishing the actual amount of fines.~~

Repeal Acp 403.03 and Acp 403.04, effective 5-8-23 (Document #13578), as follows:

~~Acp 403.03 Immediate License Suspension.~~

~~(a) When the board receives information indicating that a licensee has engaged in dishonesty or misconduct that poses an immediate danger to life or health, the board shall issue an order pursuant to RSA 541-A:30, III, that sets forth the alleged misconduct and immediately suspends the license for up to 10 working days pending commencement of an adjudicatory proceeding. If commenced within 10 working days, the suspension shall continue until there is a decision in the proceeding.~~

~~(b) Suspension orders under this section shall include the notice of hearing pursuant to Acp 207.02(b).~~

~~(c) No hearing date established in a proceeding conducted under this section shall be postponed at the request of the licensee unless the licensee also agrees to continue the suspension period pending issuance of the board's final decision.~~

~~Acp 403.04 Voluntary License Surrender When Disciplinary Allegations are Pending~~

- ~~— (a) A licensee may surrender a license at any time.~~
- ~~— (b) Surrender or nonrenewal of a license shall not preclude the board from investigating or completing a disciplinary proceeding based upon the licensee’s conduct while the license is still in effect. Such investigations and proceedings shall be handled in the same manner as other disciplinary investigations and proceedings.~~
- ~~— (c) A licensee who surrenders a license shall have no right or privilege granted through acupuncture licensure in New Hampshire except as shall be specifically set forth in a board order settlement agreement, or order of a court of competent jurisdiction. A licensee who reapplies for a license in New Hampshire after surrender shall meet all the requirements in effect for new applicants as set forth in statute and rules at that time.~~
- ~~— (d) A licensee who surrenders a license as part of a settlement of pending misconduct allegations shall make a written settlement offer to the board before the close of the record in a disciplinary hearing.~~
- ~~— (e) Any settlement agreement reached under (d) above, shall include the following concessions:

 - ~~(1) That license surrender has occurred in settlement of pending disciplinary allegations; and~~
 - ~~(2) That the pending allegations shall be issues to be resolved in any future application the licensee may submit in New Hampshire.~~~~
- ~~— (f) The fact of license surrender pending disciplinary action and the terms of any settlement agreement pertaining thereto shall be distributed to all relevant licensing authorities and data bank in the same manner as a final decision containing specific findings of dishonesty or misconduct.~~

Readopt with amendment and renumber Acp 403.05, effective 5-8-23 (Document #13578), as Acp 403.03, to read as follows:

Acp 403.035 Reciprocal Discipline. When the board receives notice that a licensee has been subjected to suspension or revocation of a license without subsequent reinstatement, the board shall issue an order directing the licensee to demonstrate why reciprocal discipline should not be imposed in New Hampshire *as described in Plc 311.14*.

APPENDIX I

RULE	SPECIFIC STATE STATUTE THE RULE IMPLEMENTS
Acp 401.01 (former Acp 401.02)	RSA 310:4, II(c); RSA 310:8; RSA 328-G:9, IX & X; RSA 328-G:7, III
Acp 401.03 – Acp 401.05 (repeal)	
Acp 402.01	RSA 328-G:9, X; RSA 328-G:7, III
Acp 402.02 (repeal)	
Acp 402.02 (former Acp 402.03)	RSA 328-G:9, X; RSA 328-G:7, III
Acp 402.03 (former Acp 402.04)	RSA 328-G:9, X; RSA 328-G:7, III
Acp 402.04 (former Acp 402.05)	RSA 328-G:9, X; RSA 328-G:7, III
Acp 402.06 (repeal)	
Acp 403.01	RSA 310:4, II(d); RSA 310:12; RSA 541-A:30, III
Acp 403.02	RSA 310:12
Acp 402.03 (repeal)	

Text added to existing rule shown in ***bold italic***.

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Acp 402.04 (repeal)	
Acp 403.03 (former Acp 403.05)	RSA 310:12