NEW HAMPSHIRE BOARD OF ACUPUNCTURE LICENSING

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GUIDEBOOK FOR LICENSED ACUPUNCTURISTS

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1. INTRODUCTION

WELCOME!

This guidebook is intended to serve acupuncturists licensed in the state of New Hampshire as a reference to the state laws that govern acupuncture practice, and to the associated rules adopted by the New Hampshire Board of Acupuncture Licensing in accordance with state law.

The law, or statute, RSA 328-G was passed by the legislature and signed by Governor Jeanne Shaheen on June 30, 1997. The associated rules, written by the Board of Acupuncture Licensing, elaborate on the law for clarity and applicability. After public hearing, the rules were approved by the legislature in November 1999, granting the Board the authority to issue licenses.

It is your obligation and responsibility to be aware of and to comply with the information contained in the statute and rules governing the practice of acupuncture in New Hampshire.
This guidebook is a selective and summary overview of the statute and rules, designed to provide you with a convenient reference to the key elements.

You should at least read Chapters 500 & 600 at the end of this Guidebook before you begin practicing. Later please refer to the Chapter 400 section to familiarize yourself with the requirements for renewing your license in two years. Should any further questions arise about the law, regulations, and guidelines related to the practice of acupuncture, contact the Board of Acupuncture Licensing at (603) 271-9254 at the Department of Health and Human Services, Office of Professional Licensing, 121 South Fruit Street, Concord, NH 03301-3857. Our email is nhbal.info@dhhs.state.nh.us and we also have a website with forms and all the relevant information resources www.nh.gov/acupuncture/

Our very best wishes for success in your practice from the New Hampshire Board of Acupuncture Licensing!

2. A SYNOPSIS OF RSA 328-G: THE STATUTORY CHAPTER GOVERNING THE PRACTICE OF ACUPUNCTURE

The purpose of this statutory chapter is to provide standards for the licensing and regulation of acupuncturists, to make available to the people of New Hampshire acupuncture and Oriental medical therapies practiced by qualified persons, and to identify qualified acupuncturists.

THE BOARD OF ACUPUNCTURE LICENSING

Members of the Board of Acupuncture Licensing (hereafter referred to as the Board) are appointed by the governor and approved by the Executive Council. The Board consists of four acupuncturists who hold current, valid licenses to practice acupuncture under this chapter and who have been legal residents of this state for at least one year immediately prior to appointment. The Board also has a public member who must be at least 21 years old, must have been a resident of the state for the three years preceding appointment and must not be nor have been an acupuncturist nor have any financial interest in the profession. Board terms are three years in duration.

Board members are not financially liable for their actions as long as those actions are carried out in good faith and in concurrence with this chapter. The Board is administratively attached to the Department of Health and Human Services. Board members serve without pay except for mileage reimbursement for travel to and from meetings or in fulfillment of other board duties. The Board holds regular meetings, at least twice a year, and makes public the time and place of all meetings. At least three Board members must be present to form a quorum. Every two years the Board elects a chairperson, a vice-chairperson, and a secretary from among its members.

A principle duty of the Board is to write and adopt rules following the mandated criteria and protocols of RSA 541-A, the Administrative Procedure Act. The Board is instructed to make rules pertaining to: applications and procedures for licensure and renewal; the scope of practice and definition of acupuncture; licensing fees; continuing education requirements; a public register of licensed acupuncturists; ethical and professional standards; a register of approved acupuncture schools; procedures for disciplinary hearings; the display of licenses; supervision of acupuncture students; temporary licensure of a visiting acupuncture teacher, and other matters necessary to properly administer this statutory chapter.

SECTION RSA 328-G:9: LICENSURE REQUIREMENTS AND QUALIFICATIONS; WHO MAY PRACTICE ACUPUNCTURE IN NEW HAMPSHIRE; ACCEPTABLE USE OF TITLES

In New Hampshire, only persons who are licensed under this chapter, RSA 328-G, may practice acupuncture, with the exception of those licensed under RSA 329 (Physicians and Surgeons, which includes M.D.s and D.O.s) and those licensed under RSA 328-E: 12 (Naturopathic doctors who meet further specialty requirements of their own licensure statute). Violation of this section is a Class A misdemeanor per RSA 328-G:14.

In New Hampshire, only medical doctors (M.D.s and D.O.s) and naturopathic doctors (N.D.s with acupuncture training) and acupuncturists validly licensed under this chapter (RSA 328-G) are allowed to hold themselves out to the public as practicing acupuncture or to use titles such as "Acupuncturist" or

"Certified Acupuncturist." The title "Licensed Acupuncturist" (L.Ac. or Lic.Ac.) is to be used exclusively by those licensed under this Chapter. Those licensed under this Chapter, however, may not hold themselves out to the public as a physician or doctor or use any such title or insignia in a way that implies that that credential relates to the provision of acupuncture services.

Anyone who is licensed under this Chapter must comply with this Chapter or be subject to refused renewal, limitation, revocation, or suspension of his/her license.

This chapter does not limit, interfere with or prevent any other health care professionals from practicing within the scope of their profession's New Hampshire license, but it does prohibit them from calling themselves acupuncturists or saying that they practice acupuncture. Chiropractors (licensed under RSA 316-A) who have been practicing acupuncture prior to July 1, 1997 may petition the acupuncture licensing board for an exemption to the requirements of this chapter. The Board will consider their educational qualifications and clinical experience in determining whether an exemption is warranted.

LICENSE RENEWAL

Licenses are issued for two years and will be renewed biennially based on procedures and fees established by the Board. Thirty (30) total Continuing Education Units (CEUs) and/or Professional Development Activity (PDA) points are required for each biennial period.

RSA 328-G:10: SCOPE OF PRACTICE

The scope of practice of licensed acupuncturists includes the "allied techniques and modalities of Oriental medicine, both traditional and modern." It includes: diagnostic procedures; electrical and magnetic stimulation; moxibustion and other forms of heat therapy; cupping and scraping techniques; dietary, nutritional and herbal therapies; life-style counseling; acupressure, and massage. ***Acupuncturists must use sterile, disposable, one-use needles and must use Clean Needle Technique.*** The Board is empowered to further define the scope of practice in accordance with RSA 541-A.

Again, this section does not intend to interfere with the practice of other licensed health care professionals in New Hampshire, including chiropractors licensed under RSA 316-A, from "using limited adjunctive procedures."

POWERS AND DUTIES OF THE BOARD

The major duties of the Board are to insure that its licensees meet minimum standards of proficiency and competency in order to protect the public health, safety and welfare, and to administer and enforce all provisions of this chapter applying to licensees and applicants and all rules adopted by the Board. Some other duties involve maintenance of records of all monies spent or received, records of the Board's acts and proceedings, a roster of all licensed acupuncturists, and records of all applications and examinations. All records of the Board are open to public inspection at all reasonable times. In any hearing or disciplinary proceeding related to this chapter, the Board has the right to subpoena witnesses, administer oaths, and compel the production of papers and records. When the Board proposes and ultimately adopts rules, those rules must be consistent with RSA 541-A, which specifies the state procedures for rulemaking. Rules must also be consistent with the acupuncture statute, other statutes and other rules adopted by other boards, commissions or agencies. The commissioner of the Department of Health and

Human Services monitors this rulemaking for consistency with the above criteria and will notify the Board in writing if a rule is not consistent.

DISCIPLINARY ACTIONS

The Board may undertake disciplinary action upon a licensee by its own initiative or if a written complaint has been made which specifies the misconduct. Sufficient grounds for a misconduct charge include: fraud or deceit in obtaining a license; conviction of a crime which demonstrates unfitness to practice acupuncture; violation of the ethical standards adopted under RSA 328-G: 7, V; demonstrable gross incompetence; addiction to alcohol or drugs which impacts a licensee's practice; a legal finding of mental incompetence; willful or repeated violations of this chapter, and/or suspension or revocation, without reinstatement, of a similar license in another jurisdiction. After a hearing conducted according to Board rules and in accordance with New Hampshire RSA 541-A, the Board may take disciplinary action by public or private reprimand; by suspension, limitation, or restriction of license; by revocation of license; and/or by assessment of fines. The amounts of fines are established by the Board, but a fine may not exceed $2000 per offense or $250 for each day the violation continues. A person whose license is suspended shall not continue to practice acupuncture.

The Board shall take no disciplinary action without a hearing. At least 14 days prior to a hearing, both parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the Board, but no complaint shall be acted upon unless received in writing. A hearing shall be held on all written complaints received by the Board within three months from the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the Board shall be given to both parties to the proceeding upon their issuance.

3. SUMMARY OF ACUPUNCTURE SECTION, NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER 100

The rules in Chapter 100 govern the areas of organization, definitions, and public information regarding the practice of acupuncture in New Hampshire. It begins by defining the responsibilities of the New Hampshire Board of Acupuncture Licensing to include:

1) Establishing operating rules;

2) Granting and issuing licenses and renewals;

3) Setting standards for continuing education requirements;

4) Refining the scope of practice for licensed acupuncturists as necessary, and

5) Setting and reinforcing professional standards for licensees.

In accordance with the laws of New Hampshire, the Board is also responsible for hearing complaints and overseeing any disciplinary proceedings against licensees that may result, including the assessment of fines against licensees.

Chapter 100 outlines pertinent definitions used throughout the statute and rules. You should become familiar with these definitions.

This chapter also defines the composition of the five-member Board and affiliated staff, as well as the office location and hours. It provides rules covering the maintenance of records related to Board activities and meetings and defines public access to such records. The frequency of Board meetings and issues regarding eligibility of Board members to participate in Board decisions are detailed. In cases where the Board establishes committees for investigative or other functions within its jurisdiction, Chapter 100 governs the roles of such committees.

CHAPTER 200

The rules in Chapter 200 establish the process by which the New Hampshire Board of Acupuncture Licensing "shall conduct proceedings for the purpose of acquiring sufficient information to make fair and reasonable decisions on matters within its statutory jurisdiction, including decisions on applications and complaints filed against licensees. These proceedings shall secure a just, efficient and accurate resolution." (Acp 201.01)

Chapter 200, the longest chapter in the acupuncture rules, contains step-by-step instructions on how such proceedings (referred to above) should be conducted. **While these matters may not bear on your daily acupuncture practice, they are of critical importance if there is a complaint made against you, or if you want to file a complaint yourself, request an official clarification of some matter in the acupuncture statute or rules, or initiate a rule change.** Any of the above proceedings must be undertaken according to the rules elaborated in Chapter 200. Failure to observe the required procedures will result in the Board's refusal of non-compliant documents, possibly leading to a decision to resolve a matter in a manner that is not in your favor. (Acp 203.01)

Below is an overview of some of the matters covered in Chapter 200:

COMPLAINTS, INVESTIGATIONS AND HEARINGS

The Board may initiate an investigation based on a written complaint, or in response to information that comes to the Board's attention. Upon receipt of a complaint, the Board shall begin an investigation as specified in detail in Chapter 200. Some of the specific topics regarding complaints, investigations and hearings are:

1) Termination of an investigation by settlement agreement (Acp 204.02(c));
2) Termination of an investigation by mediated settlement (Acp 204.02(d-h));
3) Rules governing investigations (Acp 204.03);
4) How a proceeding is begun, including timing of notice and what information must be included in the initial notice (Acp 206.02);
5) Representation by an attorney or lay representative (Acp 206.05 and 206.06);
6) Rules governing the submission of documents and complaints (Acp 207 and 208);
7) Rules governing subpoenas and pre-hearing conferences (Acp 212);
8) Rules regarding conduct of hearings (Acp 213), and
9) Decisions (Acp 214),
10) Rulemaking hearings (Acp 218).

CHANGES TO THE RULES

Acp 218 of Chapter 200 describes how the rules can be "adopted, amended or repealed". This section describes how any individual, licensee or non-licensee may begin this process. (Ultimately, rules can be changed only after a public hearing and by a hearing of the legislative committee.)

DECLARATORY RULINGS

Acp 216 of Chapter 200 details the procedure whereby a person may request that the Board make a ruling to clarify any matter within its jurisdiction.

CHAPTER 300

Chapter 300 deals with licenses, licensing requirements, applications and fees. Acp 301.01 through Acp 302.05 largely describe the actual application procedure for regular licensing including a description of what qualifications are required of licensees and possible waivers of certain education requirements. Since this Guidebook is for those who are already licensed, those sections of Chapter 300 will not be reviewed here. You may want to read through these sections to familiarize yourself with what is allowable in New Hampshire.

BOARD APPROVAL OF ACUPUNCTURE SCHOOLS

The Board of Acupuncture Licensing approves US acupuncture schools that are ACAOM accredited or in candidacy. Beginning with the new rules update June 27, 2012 the Board accepts for licensing purposes, acupuncture education that is approved by the NCCAOM in earning the applicant's Certification in Acupuncture or Oriental medicine.

VISITING TEACHERS

The Board can grant a temporary 30-day license to a teacher of acupuncture or Oriental medicine who is visiting the state to teach a seminar or course. The applicant must submit a letter that includes his/her name, address, and phone number, and information about the course, such as the course name, dates, description, location and who is sponsoring the course, along with the appropriate fee, to the Board at least 60 days before the course starts. The teacher must have a license to practice acupuncture in another state or country, must conform to all public health requirements including use of disposable needles and use of Clean Needle Technique, and is not allowed to practice outside of the course itself or to collect fees for acupuncture treatments, other than as compensation for the course itself.

In the case of a periodic seminar-type course, which constitutes a single course and is scheduled to meet no more than six times in a year, the Board will grant an exception to the 30-day limitation.

ACUPUNCTURE STUDENT INTERNS

New Hampshire allows registered acupuncture student interns to temporarily practice acupuncture in a limited way with supervision, provided that the intern is sponsored by a New Hampshire licensed acupuncturist whose license is valid and in good standing. Sponsoring and supervising an intern entails a great deal of responsibility. The sponsor must submit specific information regarding the intern and the internship (see Section Acp 304.02(a) for details) and must agree to actively supervise the intern, to be physically present on the premises when the intern is treating patients, to identify the intern as such to patients, and to instruct the intern regarding relevant licensee responsibilities and the ethical and professional standards set forth in Acp 503.01 and Acp 503.02.

The internship may not begin until written Board approval has been received. The internship is approved for one year or until the intern's graduation or termination from the program of study, whichever comes first.

STUDENT OBSERVERS AND OFFICE ASSISTANTS

Student observers and office assistants are allowed without the necessity of the application procedure described above, but it should be noted that student observers and office assistants may not diagnose, develop treatment plans or insert needles in patients. If they are to perform non-invasive procedures such as moxibustion or cupping, the licensee is responsible for their training in the safe implementation of these procedures and for insuring that all instruments, materials, and waste are handled according to OSHA standards.

EXEMPTIONS FOR CHIROPRACTORS

Chiropractors in New Hampshire are allowed to request an exemption to the statute, RSA 328-G, if they:

1) Apply to the Board;
2) Verify that they were New Hampshire licensed chiropractors as of 7/1/97;
3) Provide evidence they were practicing acupuncture prior to 7/1/97;
4) Verify a minimum of 500 hours of acupuncture education;
5) Pass the NCCAOM examination and become NCCAOM certified, and
6) Submit to the Board a copy of all documentation that has been sent to the NCCAOM to qualify them to sit for examination.

PUBLIC INFORMATION ABOUT LICENSED ACUPUNCTURISTS

The Board maintains a roster of all licensed acupuncturists and will make such a directory available upon request. It will include the licensee's name, professional address, license number and date of issuance, and status of the license.

CHAPTER 400

Chapter 400 deals with renewal of licenses, continuing education requirements and disciplinary sanctions that can be made against a licensee.

RENEWAL REQUIREMENTS

Initial licenses and renewal licenses are valid for two years. The fee for a renewal license is $110.00, which includes a $25.00 nonrefundable application fee.

The Board will send a renewal application to your **home** mailing address that we have on file, as this changes less often than business addresses. You are responsible for giving the Board address changes. You will also find the renewal application form on our website if you do not receive one in the mail. ***You are ultimately responsible for ensuring that you renew your license on time. NO EXCUSES.***

If you wish to renew your license, you must submit the following to the Board at least 30 days, but not more than 90 days, prior to the date of license expiration:

1) **A completed renewal application;**

2) **A check, bank check, or money order for $110 payable to Treasurer, State of New Hampshire;**

3) **Appropriate documentation of 30 units of Continuing Education.**

4) **Affirmation that applicant is currently NCCAOM certified, with expiration date.**

If you do not meet the requirements for a license renewal or do not submit the materials by the required deadline you may not practice acupuncture until these requirements are met and a new or renewal license is granted. (See Acp 401.02 for more details.)

CONTINUING EDUCATION

You are required to complete 30 Board-approved units of Continuing Education Units (CEUs) or Professional Development Activities (PDAs) and to submit verification of participation in these activities for every two-year licensing period.

If you have not completed 30 CEUs or PDAs in time for your license renewal, you must suspend practicing acupuncture immediately. You must file a petition with the Board that proposes a specific timetable for completing specified courses or activities to fulfill the requirement. You must suspend practicing acupuncture on the date of license expiration until your renewal license is granted.

If you do not submit such a petition **prior** to your license expiration, you must suspend practicing acupuncture immediately. You will then have to apply for a *new* license again in order to resume practicing acupuncture. In order to resume practice you will need to go through the entire licensing

procedure again, according to any new current license requirements at the time, pay the $110.00 initial license fee and wait until the next quarterly Board meeting to approve a new license.

If you earn more than 30 CEUs or PDAs in the two-year period, any points in excess of 30 may be carried over to fulfill the requirement of the NEXT two-year period ONLY, if needed. Excess points may not be carried forward into subsequent biennia.

CEUs

There are numerous ways to earn CEUs. The most common method is to take courses that grant CEUs. Courses by Internet, teleconference, CD-ROM etc. as distance education are acceptable if otherwise approved for provider and content. These courses must be relevant to the practice of Oriental medicine and "provide skills and knowledge that enhance an acupuncturist's practice," including:

1) Oriental medical theory, techniques, nutrition, and herbology;
2) Western sciences such as Anatomy, Physiology, Pathology, Biochemistry, Microbiology, Psychology, Nutrition, History of Medicine, Medical terminology, and Medical ethics;
3) The study of Oriental languages, t'ai chi, and qi gong, and/or
4) Any area of expertise under The Scope of Practice of Licensed Acupuncturists (Acp 601.03).

Courses are acceptable which are:

1) Taught at schools that are ACAOM accredited, in candidacy, or Board approved;
2) Offered for credit at accredited colleges or universities;
3) Approved by the NCCAOM (their Recertification Guidebook is a good resource for approved course topics) *as long as NH accepts the course content *see below*;
4) Approved by Continuing Education committees of the American Association of Acupuncture and Oriental Medicine (AAAOM) or other national professional healthcare associations;
5) Approved by other state licensing Boards or offered through state professional organizations following state Board requirements.

Courses in business, management, insurance billing, and practice building are not eligible in NH.

Courses offered by sponsors other than those listed above must be pre-approved by the Board. The instructor or sponsor must send a letter requesting approval at least 60 days prior to the starting date of the class. We have a form for Pre-approval of CEU on the website or this request must contain the following:

1) Name, address, and phone of sponsoring agency or contact person;
2) Title, location, and date of the course;
3) Description of all relevant subjects to be covered;
4) Course objective and any other descriptive material about the course;
5) Course syllabus, schedule with hourly breakdown, and list of required textbooks and/or equipment;
6) Name(s) and professional qualifications of the instructor(s);
7) Statement that attendance shall be checked at least twice per session, and
8) Statement that attendees who are present for the entire course will receive an attendance certificate.

Upon approving a course, the Board will issue a letter of approval including the number of CEUs qualified and will maintain a list of pre-approved courses. In general, one hour of classroom time equals one CEU.

PDAs

Professional Development Activities (PDAs) also fulfill the continuing education requirement, but as with CEUs, it is required that licensees provide verification of the activities, which may include:

1) Research in Oriental medicine or other health related fields;
2) Publication in the field of Oriental medicine;
3) Teaching courses in acupuncture, Oriental medicine, or related topics;
4) Clinical supervision for formal school or for a formal apprenticeship, or
5) Supervised clinical experience in Oriental medicine.

PDA points will be distributed as follows:

1) Every two hours of documented research equals one PDA;
2) Each published article equals ten PDAs;
3) Each book or major work published equals 30 PDAs;
4) Each hour teaching equals one PDA;
5) Each hour supervising acupuncture students equals one PDA, and
6) Each hour of supervised clinical experience under a senior acupuncturist equals one PDA.

DISCIPLINARY SANCTIONS (Acp 403)

Licensees should be aware of possible disciplinary sanctions if the Board determines that misconduct has occurred. Possible sanctions include one or more of the following:

1) Public or private reprimand;
2) Suspension, limitation, or restriction of license;
3) Revocation of license, and
4) A fine which shall not exceed $2000 per offense, or in the case of a continuing offense, $250 for each day the violation continues.

Further considerations coming to bear on the matter of sanctions are listed in Acp 403.01(d), and guidelines for assessing fines in Acp 403.02.

IMMEDIATE LICENSE SUSPENSION

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 may suspend a license immediately for up to 10 working days while an official proceeding is begun (Acp 403.03).

VOLUNTARY LICENSE SURRENDER

It is possible that a licensee may choose to voluntarily surrender his/her license in response to a disciplinary proceeding, though this surrender will not prevent the Board from continuing the proceeding and imposing any appropriate sanctions (Acp 403.04).

RECIPROCAL DISCIPLINE

If the Board receives notice that a licensee has been subjected to suspension or revocation of a license in another jurisdiction without subsequent reinstatement, the licensee must demonstrate why reciprocal discipline should not be imposed in New Hampshire (Acp 403.05).

CHAPTER 500

Chapter 500 deals with the responsibilities of licensees and the ethical and professional standards to which all licensees are bound. The following is a summary of what appears in Chapter 500. As in other chapters, if it is not clear what is required, consult the actual chapter in the Rules for the original wording.

OBLIGATIONS OF A LICENSEE

A licensee has the following general obligations to the Board:

1) To comply with its rules;
2) To be truthful to the Board in applications and documents;
3) To cooperate with the Board in investigations and requests for information, and
4) To keep the Board informed of a principal business address and all addresses where practicing.

Also, a licensee is obliged to **report to the Board within 30 days**:

1) Any **change** or abandonment of a **business address** including a secondary practice location;
2) Any disciplinary action taken against the licensee by a state, regional or national agency or association including the NCCAOM;
3) Any civil action or insurance claim filed against the licensee that alleges malpractice, and
4) Any decisions made in such civil actions or insurance claims.

In addition, a licensee shall:

1) **Display** a current New Hampshire acupuncture **license** at his or her primary place of business with photocopies of that license displayed at any secondary business locations;
2) Know, and have available for patients, information as to **how a patient may contact the Board regarding complaints**;
3) Maintain (for a minimum of **seven years**) complete and accurate records for each patient which include:
   - Patient's name and address;
   - Dates of treatment;
   - Treatments given, and
   - Fees charged.
4) **Use only sterile, disposable, one-use needles, and use Clean Needle Technique.**
5) Comply with all relevant state and federal rules regarding safe practice and the **disposal of medical waste.**

In New Hampshire, a licensee may not use any designations or titles such as "Doctor" or "Dr." or "physician" in a way that implies that those credentials or titles relate to the practice of acupuncture.

ETHICAL AND PROFESSIONAL STANDARDS

The ethical and professional standards set forth in Chapter 500 bind all New Hampshire licensed acupuncturists. Violation of these standards may result in disciplinary sanctions, a restricted license or denial of a license or a license renewal.

NCCAOM CODE OF ETHICS AND ADDITIONAL ETHICAL STANDARDS

All licensees are bound to adhere to the current Code of Ethics of the NCCAOM, to which you agreed as a condition of NCCAOM Certification. You may find the most recent version of the NCCAOM Code of Ethics at its website www.nccaom.org.

In addition, the following NH licensing ethical standards must be followed. A licensee shall:

1) Provide honest and accurate information in medical reports;
2) Report evidence of professional misconduct by another licensee that threatens life, health, or safety;
3) Maintain proper sexual boundaries by:
   refraining from behavior that exploits the practitioner-patient relationship in a sexual way; and
   avoiding behavior that is sexual, seductive, suggestive or sexually demeaning, or behavior that could be reasonably interpreted as such, even when such behavior is initiated or consented to by the patient, and
4) Be truthful in advertising or representing him or herself to the public and avoid:
   - False, deceptive, or misleading statements;
   - Unreasonable or exaggerated claims of success;
   - Guarantees of success;
   - Claims or implications of professional superiority or of training that cannot be substantiated;
   - Unsubstantiated claims of expertise or certification of such in any specific areas of the scope of practice, and
   - Use of non-acupuncture graduate degrees in one's title without specifying the field.

CHAPTER 600

Chapter 600 describes the scope of practice for licensed acupuncturists in New Hampshire. It largely contains a listing of descriptions and definitions of what is allowable, but also specifically requires that each licensee shall practice only within the scope of his or her training, expertise, and capability.

The scope of practice of licensed acupuncturists includes, but is not limited to:

1) Conventional needling, use of intradermals or press tacks, therapeutic bleeding, and ion pumping cords or bypass cords used in conjunction with inserted needles;

2) Surface stimulation with non-penetrating needles, magnets, tapping devices, pieces of metal, seeds and cups;

3) Moxibustion and other treatment methodologies using heat, cold, light, color, sound, electromagnetism, low-level lasers, and herbs (as in poultices or compresses);

4) Electroacupuncture with or without needles for detection, diagnosis, or treatment (See Acp 601.03(c) for a sample list of electrical devices used in the practice of acupuncture);

5) Body work including massage and manipulation of skeletal and soft tissue to correct blockages of energy (See Acp 601.03(d) for a sample list of types of body work which are allowable);

6) Diagnostic and physical examination procedures such as muscle testing, body palpation, and pulse palpation;

7) Therapeutic exercise, martial arts, and breathing techniques;

8) Dietary counseling including therapeutic use of food and supplements;

9) Prescription of herbs, oriental patent medicines, and homeopathically prepared substances;

10) Stress reduction through such methods as meditation and relaxation techniques, and

11) Lifestyle counseling for the purpose of achieving physical, mental, emotional and spiritual balance in daily life.

There is a specific section in this chapter that relates to the use of low-level lasers. It stresses that the lasers allowed are non-surgical and it requires any licensee who wishes to use such lasers in his or her practice to comply with all FDA regulations and requirements in the use of these lasers.