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Initial Proposal - draft - 1

Readopt with amendment, Acp 702.01, effective 7-20-18 (Document #12575), to read as follows:

Acp 702.01 Acupuncture Detoxification Specialist Application.

(a) Each applicant for certification as an acupuncture detoxification specialist shall complete and submit to the board an “Acupuncture Detoxification Specialist Certification Application”, effective July 2018 and available on the board’s website, which includes the following on or attached to the form:

(1) The “Universal Application for Initial License”, dated April 2024, that provides the information required by Plc 304.03 and Plc 304.04 and is signed and attested to specified in Plc 304.05;

~~(1) The applicant’s legal name, other names the applicant has been known by and reason for name change, mailing address, and telephone number(s);~~

~~(2) The date(s) the applicant attended and completed NADA or other board-approved training;~~

~~(3) The date of application;~~

~~(4) The applicant’s signature;~~

~~(5) The primary practice location address that the acupuncture detoxification services will be performed;~~

~~(6) Any additional practice location addresses;~~

~~(7) The applicant’s date of birth;~~

~~(8) The applicant’s social security number, as required by RSA 161-B:11, VI-a;~~

~~(9) The applicant’s email address;~~

~~(10) A copy of the NADA ethics pledge, or ethics pledge issued by other board-approved training programs, statement signed by the applicant;~~

~~(11) A copy of the NADA or other board-approved training certificate of training completion;~~

~~(12) Application fee of \$110.00;~~

~~(13) The following information about the supervising acupuncturist:~~

~~a. Name, mailing address, and telephone number(s);~~

~~b. License number and expiration date; and~~

~~e. The supervising acupuncturist’s signature attesting that he or she agrees to abide by Acp 703.01;~~

(14) ***(2) Attestation from the supervising acupuncturist of their own familiarity with:***

a. The NADA Acupuncture Detoxification Specialist Training Manual, effective July 1, 2017, available as noted in Appendix II;

b. Prior NADA training that meets or exceeds the NADA training; or

c. Other board-approved training;

Commented [RM1]:

+Chantell.B.Wheeler@oplc.nh.gov question for the board so i can understand - how does this work in real life? I am tryign to wrap my head around it.

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~~(15) An indication as to whether the applicant has had an acupuncture detoxification certificate, license, or other similar registration revoked, suspended, or limited in this or any other state or jurisdiction;~~

~~(16) An indication as to whether the applicant has had a professional license or certification in a field other than acupuncture detoxification revoked, suspended, or otherwise terminated on disciplinary grounds;~~

~~(17) An indication as to whether the applicant holds a current health care, recovery coach or peer counselor professional license, certificate or other similar credential. The applicant shall provide the professional license, certificate or credential type, number, and state of issuance;~~

(18) An indication ~~yes or no answer to the question as to~~ of whether ~~or not~~ the applicant has prior work or volunteer experience in substance abuse or addictions treatment or behavioral health treatment; and

~~(19) An indication as to whether the applicant has successfully completed clean needle technique training as outlined in the NADA Acupuncture Detoxification Specialist Training Manual, effective July 1, 2017, available as noted in Appendix II, or as outlined in the training approved pursuant to Acp 705.~~

~~— (b) The applicant shall provide a detailed explanation to any affirmative answer given in response to questions (15)-(19) in (a) above~~

(3) The application fee specified in Plc 1002.02; and

(4) The following information about the supervising acupuncturist:

a. Name, mailing address, and telephone number(s);

b. License number and expiration date; and

c. The supervising acupuncturist's signature attesting that he or she agrees to abide by Acp 703.01.

~~Acp 702.02 ADS Certificate Renewal Procedure. ADS certificate holders seeking to renew their certificates shall, on or before June 30 every other year, complete and submit an "Acupuncture Detoxification Specialist Renewal Application" form, effective July 2018. Pursuant to RSA 310:8, licenses shall be renewed by written application prior to the expiration date and by payment of the prescribed renewal fee. The licensing bureau shall notify each licensee at least 2 months prior to expiration of their license. If properly renewed, a license shall be valid for 2 years from the date of issuance, unless suspended or revoked.~~

(a) Any licensee wishing to renew a license shall submit:

(1) The information required by Plc 308.06 on the "Universal Application for License Renewal", dated April 2024, that is signed and attested to as provided in Plc 308.08, and;

(2) The fee specified in Plc 1002.02.

Commented [RM2]:
+Chantell.B.Wheeler@oplc.nh.gov can this be formed as a yes/no question?

Commented [CW3R2]: of course. I've made edits.

Commented [RM4]:
+Chantell.B.Wheeler@oplc.nh.gov did the board want to revise 703.01 f and 703.02 for the supervision requirements? it seems now would be a good time to look at them.

Commented [CW5R4]:
+rahkiya.e.medley@oplc.nh.gov I've added Acp 703 rules to the draft IP for the Board to review.

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PART Acp 703 SUPERVISION OF ACUPUNCTURE DETOXIFICATION SPECIALISTS

Acp 703.01 General Supervision.

(a) New Hampshire licensed acupuncturists who agree to supervise an acupuncture detoxification specialist shall:

- (1) Conduct at least 2 site visits per year, which shall include:
 - a. Review of sanitary conditions of the site, including compliance with clean needling technique standards; and
 - b. Review of documentation required by NADA training, including but not limited to verification of treatment consent agreements; and

(2) After each site visit, complete and submit a written supervision report to the board containing:

- a. Conditions of the site including verification of adequate site sanitation, and verification of proper needle storage and disposal;
- b. Verification of adequate patient documentation as required by the NADA Acupuncture Detoxification Specialist Training Manual, effective July 1, 2017, available as noted in Appendix II;
- c. Name of ADS being supervised, supervision site location address, date and time of the supervisory visit, and name of supervising acupuncturist;
- d. Estimate of how many clients the ADS sees each day;
- e. If the supervising acupuncturist has reason to believe the ADS is not following the NADA protocol as described in the NADA Acupuncture Detoxification Specialist Training Manual, effective July 1, 2017, available as noted in Appendix II, an explanation of the circumstances giving rise to that belief;
- f. If the supervisor has reason to believe the ADS is not following the ADS standards of competency as described in the NADA Acupuncture Detoxification Specialist Training Manual, effective July 1, 2017, available as noted in Appendix II, an explanation of the circumstances giving rise to that belief;
- g. If the supervisor has reason to believe the ADS is not following the ADS Ethics Pledge as described in the NADA Acupuncture Detoxification Specialist Training Manual, effective July 1, 2017, available as noted in Appendix II, or an equivalent ethics pledge issued by other board-approved training programs, an explanation of the circumstances giving rise to that belief;

Commented [RM6]:

+Chantell.B.Wheeler@oplc.nh.gov for the Board: do they want to revisit this? how has this been working? what are the goals of this section? What are the goals of general supervision? With the supervision and site visits, is there something that would result from the visit? what would result if the visit were unsatisfactory? Some things to think about.

Commented [RM7]:

+Chantell.B.Wheeler@oplc.nh.gov what is the Board to do with the written supervision report? what are the possible options?

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h. If the supervising acupuncturist has reason to believe that the level of supervision being provided is not appropriate and needs to be modified, an explanation of the circumstances giving rise to that belief; and

i. If the supervising acupuncturist has reason to believe the actions of the ADS constitute misconduct as specified in Acp 704.01, an explanation of the circumstances giving rise to that belief.

(b) Supervising acupuncturists shall be available by phone or other electronic means during business hours. In the event the supervisor is temporarily unavailable for supervision, the parties to the supervision agreement shall ensure a substitute supervising acupuncturist shall be available.

(c) Supervising acupuncturists shall maintain a current New Hampshire acupuncture license in good standing.

[Source.](#) #12575, eff 7-20-18

Acp 703.02 Supervising Acupuncturist and ADS Requirements.

(a) Supervising acupuncturists shall notify the board in writing at least 45 days prior to the termination of the supervision if they terminate supervision of an ADS or, in the case of an emergency, as soon as practicable thereafter. The notification shall include the date of the termination and signatures of the ADS and the supervising acupuncturist.

(b) A supervising acupuncturist shall give the ADS at least 45 days' notice or, in the case of an emergency, as soon as possible if unavailable to provide supervision.

(c) ADS certificate holders who wish to change supervisors shall do so by completing and submitting a signed "Acupuncture Detoxification Specialist Change of Supervising Acupuncturist Application" form, effective July 2018 and available on the board's website, which shall include:

- (1) The name of the ADS to be supervised;
- (2) The following information about the supervising acupuncturist:
 - a. Name, mailing address, and telephone number(s); and
 - b. License number and expiration date;
- (3) The signature of the new supervising acupuncturist attesting:
 - a. That he or she will abide by the provisions of Acp 703.01; and
 - b. Familiarity with the following:
 1. The NADA Acupuncture Detoxification Specialist Training Manual, effective July 1, 2017, available as noted in Appendix II;

Commented [RM8]:
+Chantell.B.Wheeler@opl.nh.gov for the board: would this not be a complaint that would be filed?

Commented [RM9]: NOTE: does this exist?

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2. Prior NADA training that meets or exceeds the NADA training; or
 3. Other board-approved training; and
- (4) The date the supervisor change is in effect.
- (d) An ADS shall not practice if the supervising acupuncturist is unavailable for supervision.

[Source.](#) #12575, eff 7-20-18

Readopt with amendment Acp 704.03, effective 7-20-18 (Document #12575), to read as follows:

Acp 704.03 Immediate Certificate Suspension.

(a) When the ~~board~~***licensing bureau*** receives information indicating that a certificate holder has engaged in misconduct that poses an immediate danger to life or health, the ~~board~~***licensing bureau*** shall issue an order pursuant to RSA 541-A:30, III, that sets forth the alleged misconduct and immediately suspends the certificate 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 Aep-207.02(b) ***Plc 206.07***.

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

Readopt with amendment, Acp 705.02, effective 7-20-18 (Document #12575), to read as follows:

Acp 705.02 ***Board Approval of NADA-Equivalent Training Programs.*** The ~~board shall~~ approve any 70-hour mixed didactic and clinical training program that demonstrates it meets the requirements of Acp 705.03-705.05. Programs seeking approval under this part shall submit documentation sufficient to demonstrate compliance with these requirements ~~no later than 4 months before~~ ***prior to*** offering the training program for the first time. ***Training programs may be implemented upon board approval.***

Readopt with amendment Acp 705.03, effective 7-20-18 (Document #12575), to read as follows:

Acp 705.03 ***Didactic and Clinical Experiences Required.*** Training programs shall include:

(a) ~~At least 30 hours of didactic education covering subjects related to: acupunctur~~***detoxification***

- (1) ***Auricular detoxification, including a history and overview of the auricular detoxification profession;***
- (2) ***Point descriptions, locations, and use of the NADA five auricular point national acupuncture detoxification association (NADA) procedure or other board approved procedures;***
- (3) ***Acupuncture needle description, insertion, and removal techniques, the use of devices that do not penetrate the skin of the ear;***

Commented [RM10]:
+Chantell.B.Wheeler@opl.nh.gov i think this is unnecessary. The Board would need to use RSA 310:12, IV and RSA 541-A:30. Thoughts about that?

Commented [CW11R10]:
+rahkiya.e.medley@opl.nh.gov I have 2 thoughts..this could be edited, or repealed.

Commented [RM12]:
+Chantell.B.Wheeler@opl.nh.gov same comment as in (a)

Commented [RM13]:
+Chantell.B.Wheeler@opl.nh.gov the Office approves based on objective qualifications outlined according to the statutory framework.

Also - this should follow the expirations timelines that are for all licenses. Biennial renewals.

Commented [RM14]:
+Chantell.B.Wheeler@opl.nh.gov office approval based on the objective qualifications

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- (4) ***Trial treatment;***
 - (5) ***Exposure control;***
 - (6) ***Clean technique;***
 - (7) ***Integration of acupuncture detoxification within a treatment program;***
 - (8) ***Client management issues and strategies, including special populations;***
 - (9) ***Ethical and legal issues; and***
 - (10) ***The nature of addiction and recovery; and***
- (b) ***At least 40 clinical*** hours under the supervision of a licensed acupuncturist.

Readopt with amendment, Acp 705.04, effective 7-20-18 (Document #12575), to read as follows:

Acp 705.04 **Board-Approved Training Curriculum Requirements**. The training curriculum shall include, but need not be limited to, the following subject matter:

- (a) The history of acupuncture detoxification;
- (b) Acupuncture detoxification point locations and descriptions, ear anatomy, identification of “active area” by changes in color, texture, etc.;
- (c) Infectious disease, safety, and ~~clean needle technique~~ ***universal precautions*** training as outlined in the NADA Acupuncture Detoxification Specialist Training Manual, effective July 1, 2017, available as noted in Appendix II;
- (d) Needling technique, needle angle of insertion and insertion depth, needle removal, needle accountability, and disposal of needles;
- (e) ~~Breathing technique, body positioning, m~~ ***Minimizing*** discomfort, clinical concerns, and complications with needling;
- (f) Client communication including bedside manner, obtaining informed consent, developing and presenting information about acupuncture detoxification services, and addressing client fear and resistance to treatment;
- ~~(g) The communal treatment approach and effect, the yin nature of treatment, and non-verbal communication;~~
- ~~(h) Oriental medicine concepts as they relate to ADS, and the concept of empty fire;~~
- (i) Trial treatments including explanation of what happens during treatment, addressing trainee fear of inflicting pain, practice on class members and inanimate objects, and client treatments in existing acupuncture detoxification service settings;
- (j) Maintaining boundaries, safe touch, recognizing and supporting the client’s safe space, and observation and modification of treatment as needed in response to the needs of the client;
- (k) Partnership with clients through the provision of acupuncture detoxification services, understanding that healing is within the client, supporting and endorsing other recovery processes,

Commented [RM15]:
+Chantell.B.Wheeler@oplc.nh.gov i believe this should be office approval.

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minimization of self and avoiding controlling behavior, and empowering the client's choice to receive acupuncture detoxification services;

(l) ADS self-care including stress management, burnout prevention, receiving acupuncture detoxification treatments, attending Al-anon or other mutual help fellowships, and recognizing and validating the subjective experience;

(m) Client management issues and strategies, including how to maintain order in a room while providing acupuncture detoxification services to at least 5 clients, sensitivity to issues of racism, sexism, and **homophobia** in treatment, cultural sensitivity, psychosocial issues affecting clients' recovery, and review of case studies;

~~— (n) Discussion of unique needs and the role of acupuncture detoxification with special populations, including:~~

- ~~(1) Persons with HIV/AIDS;~~
- ~~(2) Persons who are or have been in the criminal justice system;~~
- ~~(3) Men;~~
- ~~(4) Women;~~
- ~~(5) Expecting or new mothers;~~
- ~~(6) Persons with co-existing mental health disorders;~~
- ~~(7) Persons who are or have experienced domestic violence or street violence;~~
- ~~(8) Persons who are homeless or who have experienced homelessness;~~
- ~~(9) Veterans;~~
- ~~(10) Persons experiencing Post Traumatic Stress Disorder or acute and chronic traumatic stress;~~
- ~~(11) Youth;~~
- ~~(12) Elderly;~~
- ~~(13) Persons who identify as gay, lesbian, bisexual, transsexual, etc.;~~
- ~~(14) Persons within specific ethnic or cultural groups; or~~
- ~~(15) Methadone assisted clients;~~

~~— (o) The requirements for a peaceful and successful treatment environment, including the physical set up and aesthetics of the room, furniture, lighting, sound, relation with program staff, and interaction with individual clients;~~

(p) Documentation and charting procedures ***specific to the facility***, including ~~subjective objective assessment plans (SOAP), narrative and other note formats, documentation specific to facility, agency or location, minimum requirements for notes to include date of service, status, treatment delivered, client response, and signature of patient;~~

~~— (q) Outcome data collection methods including symptom checklists and client surveys;~~

Commented [RM16]:
+Chantell.B.Wheeler@oplc.nh.gov add transphobia?

Commented [RM17]:
+Chantell.B.Wheeler@oplc.nh.gov is this in? it says the same after procedures

Commented [RM18]:
+Chantell.B.Wheeler@oplc.nh.gov is this in or out?

Text added to existing rules shown in ***bold italic***
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~~(r) Acupuncture detoxification related research, design and methodology, placebo trials, and the historical difficulties of research;~~

~~(s) The nature of addiction and recovery, including the disease concept, recovery, social, and brain model of addiction, review of substances of abuse and related client profiles, and the use of acupuncture detoxification with these populations, the psycho-spiritual nature of acupuncture detoxification, the role of shame and denial, recovery as a lifelong, individual, and intrinsic transformation, and mutual support fellowships;~~

~~(t) *The* Sstages of the recovery process and ADS treatment at each stage, including withdrawal, early recovery, sobriety maintenance, longer term recovery, and relapse prevention;~~

~~(u) 12-step recovery and mutual support fellowships including alcoholics anonymous (AA), narcotics anonymous (NA), Al-Anon, and Nar-Anon, program specific philosophy, the 12 steps and traditions, support groups and sponsorship, the requirement for ADS trainees without prior exposure to attend meetings; the role of 12-step programs in recovery, and alternatives to 12-step programs;~~

~~(v) Integration within the treatment milieu and limited scope of practice for an ADS and with other treatment interventions, treatment planning, group process, the adjunctive role of acupuncture detoxification services in conjunction with medical, psychological, and pharmacological intervention and with didactic, psycho-educational, individual, and family counseling, and collaboration and communication with the treatment team;~~

~~(w) Relation to other interventions and logistics of integration with other treatment interventions, including timing, availability, atmosphere, space, and setting, and necessary compliance with agency, facility specific, local, or state policies, procedures, laws, or rules;~~

~~(x) Appropriate referral and crisis management for addiction, mental health, and medical evaluation and care, referral for treatment of non-crisis and non-emergency needs, and the necessity of working openly and respectfully with other agencies;~~

~~(y) The existence of drug courts, family courts, veteran courts, and mental health courts as a means to better serve specialized populations; and~~

~~(z) Legal and ethical considerations related to performing acupuncture detoxification, including the requirement of supervision by a licensed acupuncturist, scope of practice and typical temptations to work outside scope of practice, board-approved ethics pledge, confidentiality, HIPAA *privacy* regulation, federal law governing clients with substance abuse disorders and addiction, insurance coverage of acupuncture detoxification, RSA 328-G, and Acp 100-700.~~

Commented [RM19]:
 +Chantell.B.Wheeler@oplc.nh.gov I think this needs to be removed. It doesn't make sense as is.

APPENDIX I

RULE	SPECIFIC STATE STATUTE THE RULE IMPLEMENTS
Acp 702.01 and Acp 702.02	RSA 328-G:7, XIV(a); RSA 328-G:9-a
Acp 704.03	RSA 328-G:7, XIV (b); RSA 541-A:16, I (b) intro.
Acp 705.02 – Acp 705.04	RSA 328-G:9-a, I; RSA 541-A:16, I (b) intro.