

**TITLE XXX**  
**OCCUPATIONS AND PROFESSIONS**  
**CHAPTER 328-H**  
**REFLEXOLOGISTS, STRUCTURAL**  
**INTEGRATORS, AND ASIAN BODYWORK**  
**THERAPISTS**

**Section 328-H:1**

**328-H:1 Regulation of Reflexologists, Structural Integrators, and Asian Bodywork Therapists.** – The general court, to protect the health, safety, and welfare of the people of the state of New Hampshire, establishes a regulatory program for licensure of reflexologists, structural integrators, and Asian bodywork therapists. The general court recognizes that there are different and specific bodywork professions, and this chapter provides for licensure to differentiate those professions that have attained maturity through established history and the creation of credible professional associations and training.

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

**Section 328-H:2**

**328-H:2 Definitions.** – In this chapter:

I. ""Applicant" means a person who has submitted to the department an application for a license pursuant to this chapter.

II. ""Board" means the advisory board of reflexology, structural integration, and Asian bodywork therapy.

III. ""Commissioner" means the commissioner of the department of health and human services or his or her designee.

IV. ""Department" means the department of health and human services.

V. ""Licensee" means a person to whom a license has been issued pursuant to this chapter.

VI. ""Practice" means the application of a system of structured touch therapies which includes reflexology, structural integration, or Asian bodywork therapy.

VII. ""Practitioner" means a person who practices touch therapies for compensation.

These practitioners include:

- (a) Reflexologists who hold current certification from the American Reflexology Certification Board; or
- (b) Structural integrators who hold current certification from the International Association of Structural Integrators or the Rolf Institute; or
- (c) Asian bodywork therapists who hold current certification as a diplomate in Asian bodywork therapy from the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM); or
- (d) Any of the above practitioners who hold current certification from an entity approved by the commissioner.

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

### **Section 328-H:3**

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

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

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

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

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

### **Section 328-H:4**

#### **328-H:4 Prohibited Acts. –** No person shall:

I. Act or advertise as a reflexologist, structural integrator, or Asian bodywork therapist for compensation without holding a license issued pursuant to this chapter.

II. Fail to comply with an order of the department issued pursuant to this chapter.

III. Fail to comply with any administrative rule adopted by the department pursuant to this chapter.

IV. Violate any other provision of this chapter or administrative rules adopted under this chapter.

V. Hire any person as an employee or independent contractor to perform reflexology,

structural integration, or Asian bodywork therapy who does not hold a license issued pursuant to this chapter.

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

## Section 328-H:5

**328-H:5 Powers and Duties of the Commissioner; Rulemaking.** – The commissioner shall have the power and duty to:

I. In consultation with the advisory board, approve or disapprove any national certification agencies, including those named under RSA 328-H:2, VII. A certification agency shall only be disapproved if the commissioner, with the advice and consultation of the advisory board, determines that the certification criteria of the certifying agency is insufficient to ensure the minimum qualifications of practitioners necessary to protect the health and well-being of the public.

II. Issue, suspend, revoke, renew, reinstate, and deny licenses in accordance with rules adopted under RSA 541-A.

III. Establish appropriate disciplinary actions including penalties, sanctions, supplemental training requirements, and treatment and counseling requirements for persons involved in violations of this chapter, which may include revocation of license, suspension of license, conditional license, administrative fines, and written reprimand.

IV. Hold hearings and conduct investigations, and issue orders relating to such hearings and investigations.

V. Require licensees to file sworn reports as directed by the department, in accordance with rules adopted under RSA 541-A.

VI. Delegate any authority or assign any duty, conferred or imposed by this chapter upon the commissioner, to his or her designees.

VII. Establish and appoint an advisory board of reflexology, structural integration, and Asian bodywork therapy, as provided in RSA 328-H:6.

VIII. Pursuant to RSA 541-A, adopt rules relative to:

(a) License application fees, late fees, renewal fees, and reinstated license fees.

(b) The contents of license application forms.

(c) The qualifications required for practitioners which shall include certification from national certifying agencies, provided that the certifying agencies has been approved by the commissioner or as otherwise set forth in this chapter.

(d) Procedures for licensing to include new, renewal, reinstated, and lapsed licenses.

(e) The form, content, deadlines, and retention of sworn reports required from licensees.

(f) Exemptions from licensure under RSA 328-H:13.

(g) Waiver provisions as necessary to implement this chapter.

(h) Procedures for denial, suspension, revocation, and reinstatement of a license.

(i) A schedule of administrative fines which may be imposed under RSA 328-H:15 for violation of this chapter or the rules adopted pursuant to it.

(j) Procedures for investigations and hearings held under this chapter.

(k) Procedures for criminal background checks.

(l) Disciplinary actions including penalties, sanctions, supplemental training

requirements, and treatment and counseling requirements for licensees involved in violations of this chapter, which may include revocation of license, suspension of license, conditional license, administrative fines, and written reprimand.

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

## **Section 328-H:6**

**328-H:6 Advisory Board of Reflexology, Structural Integration, and Asian Bodywork Therapy.** – The commissioner shall establish the advisory board of reflexology, structural integration, and Asian bodywork therapy. The initial board members shall consist of 3 practitioners representing each field who have been certified by the appropriate national certifying agency for at least 2 years preceding appointment. In the event that a member for one or more of the fields is not available to serve on the board, the commissioner shall have the authority to fill any such vacancy with an appropriate member with input from the existing board members and the certifying agencies for each of the respective fields. Subsequent board members shall be currently licensed under this chapter. The members shall be appointed for 3 years, with the initial terms staggered so that the term of one member expires each year, and they shall hold office until successors are appointed. In no event shall a member serve more than 2 full consecutive terms.

I. The board shall advise and assist the commissioner with regard to the implementation of this chapter.

II. Board members shall serve on the board without any compensation.

III. The board shall conduct meetings as required.

IV. The board may recommend to the commissioner the removal of a member for malfeasance, misfeasance, or nonfeasance.

V. All members of the board shall have been residents of this state for at least one year immediately preceding appointment to the board.

VI. There shall be no monetary liability on the part of, and no cause of action shall arise against, the members of the board for any act done or proceeding undertaken or performed in good faith and in furtherance of the purposes of this chapter.

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

## **Section 328-H:7**

**328-H:7 Requirements for Practitioner License.** – Except as provided under RSA 328-H:17, it shall be unlawful for any person to practice reflexology, structural integration, or Asian bodywork therapy without a license issued by the department.

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

## **Section 328-H:8**

**328-H:8 Practitioner License Issuance. –**

- I. The department shall issue a practitioner license to each qualified applicant who:
- (a) Is at least 18 years of age on the date of the application;
  - (b) Makes an application on a form prescribed by the department;
  - (c) Makes payment of fees required in rules adopted by the department;
  - (d) Has not been convicted in New Hampshire or in any other state of any crime involving violence inflicted on a person or threatened against a person, or any sexually-related crime; and
  - (e) Holds a current certificate from a national certifying agency in accordance with RSA 328-H:2, VII that has been approved under RSA 328-H:5, I, and as otherwise set forth in this chapter.
- II. Licenses shall be issued based on the applicant's specific training, and each license shall identify the specific bodywork profession in which the applicant is trained and certified.
- III. Licenses shall be valid for 2 years.
- IV. All advertising and promotional material, including but not limited to, business cards, brochures, and yellow pages, must display the licensee's license number.
- V. Practitioner licenses shall be posted in each office the licensee practices in, or carried on the licensee if the licensee practices at locations other than his or her own office or offices.

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

**Section 328-H:9**

**328-H:9 Renewal of Practitioner License; Reinstatement. –**

- I. Licenses issued under this chapter shall be subject to renewal, and shall lapse unless renewed or reinstated in accordance with rules adopted by the commissioner under RSA 328-H:5.
- II. All licenses issued pursuant to this chapter shall expire 2 years after the date of issuance. License renewals shall be granted upon approval by the department of the renewal application and submission of the required renewal fee.
- III. Licenses shall continue as valid until final action is exercised by the department on an application for renewal, provided that the application is filed before the expiration date of the license.

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

**Section 328-H:10**

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

- I. Fails to maintain his or her national certification as required by RSA 328-H:2, VII;
- II. Violates this chapter or any rule or order adopted or issued under it;
- III. Knowingly makes any false statement regarding the application or license or in any

report the board requires to be made;

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

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

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

### **Section 328-H:11**

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

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

### **Section 328-H:12**

**328-H:12 Reinstatement.** – Any person whose license has been suspended or revoked by the department may apply to the department, in writing, to request a hearing for reinstatement. Upon a hearing, the department may issue a new license or modify the suspension or revocation of the license.

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

### **Section 328-H:13**

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

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

### **Section 328-H:14**

**328-H:14 Violations; Penalty.** – Any person practicing reflexology, structural integration, or Asian bodywork therapy within the meaning of this chapter without first obtaining a license as required by this chapter, or who violates any of the provisions of, or rules adopted under this chapter, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person, for the first offense. For a subsequent offense, a person shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Each day such facility shall operate or person shall practice this activity after a first conviction shall be considered a subsequent offense.

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

## Section 328-H:15

**328-H:15 Administrative Fines.** – The department, after notice and an opportunity for a hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted pursuant to it. Rehearings and appeals from a decision of the department shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The department shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.

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

## Section 328-H:16

**328-H:16 Injunctive Relief.** – The practice of reflexology, structural integration, or Asian bodywork therapy by a person without a license issued under this chapter or whose license has been suspended or revoked or has expired is declared to be a danger to the public health and welfare. In addition to any other civil, criminal, or disciplinary remedy, the attorney general, the department, or the prosecuting attorney of any county or municipality where the person is practicing or purporting to practice, in accordance with the laws of this state, may maintain an action to enjoin that person from practicing until such person secures a valid license. An injunction without bond is available to the department for enforcement of this chapter.

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

## Section 328-H:17

**328-H:17 Temporary Authority to Practice.** – Any person who meets the requirements of RSA 328-H:8, I(a), (d), and (e) may practice his or her respective profession immediately upon passage of this chapter. Such authority to practice shall be valid for no more than one year from the effective date of this chapter, or no more than 60 days of adoption of the administrative rules, whichever occurs first, by which time the person shall apply for and receive a license issued by the department in accordance with RSA 328-H:8 in order to continue legally practicing.

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