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CHAPTER Nat 100 ORGANIZATION

PART Nat 101 PURPOSE

Nat 101.01 Purpose. These rules implement the statutory responsibilities of the New Hampshire naturopathic board of examiners.

Source. #6379, eff 11-26-96; ss by #8299, eff 3-9-05

PART Nat 102 DEFINITIONS

Nat 102.01 Terms Used. As used in these rules, the following terms shall have the meanings indicated:

(a) "Administrative assistant" means any person with delegated authority from the department of health and human services to perform administrative and clerical functions for the board.

(b) "Board" means "board" as defined in RSA 328-E:2, III, namely, "the naturopathic board of examiners established under RSA 328-E:7."

(c) "Council" means the council on doctors of naturopathic medicine formulary established by RSA 328-E:16.

(d) "Department" means the department of health and human services.

(e) "Doctor of naturopathic medicine" means "doctor of naturopathic medicine" as defined in RSA 328-E:2, IV, namely, "a person authorized and licensed to practice naturopathic medicine under this chapter."

(f) "Natural medicine" means agents from plant, mineral or animal origins that are naturally occurring substances or manufactured substances that are produced to simulate such naturally occurring substances.

(g) "Naturopathic medicine" means "naturopathic medicine" as defined in RSA 328-E:2, IX, namely, "a system of primary health care practiced by doctors of naturopathic medicine for the prevention, diagnosis, and treatment of human health conditions, injuries, and diseases that uses education, natural medicines and therapies to support and stimulate the individual's intrinsic self-healing processes."

Source. #6379, eff 11-26-96; ss by #8299, eff 3-9-05

PART Nat 103 DESCRIPTION OF THE BOARD

Nat 103.01 Composition of the Board. The board shall consist of 5 members who meet the eligibility requirements of RSA 328-E:7 and are appointed by the governor.

Source. #6379, eff 11-26-96; ss by #8299, eff 3-9-05

Nat 103.02 Duties of the Board. The board shall:

(a) Provide standards for the licensure and regulation of doctors of naturopathic medicine in order to protect the public health, safety and welfare;

(b) Insure that naturopathic medicine by qualified doctors of naturopathic medicine is available to the people of New Hampshire;

(c) Examine, investigate and license persons who apply for the authority to practice naturopathic medicine in New Hampshire and are found qualified under statutory authority and under the rules of the board;

(d) Adopt as a rule the formulary and revisions of the formulary approved by the council;

(e) Undertake, when appropriate, disciplinary proceedings and disciplinary actions against licensees in accordance with the standards of RSA 328-E and the board; and

(f) Investigate and prepare reports on any matter within the scope of RSA 328-E, and when appropriate, assess civil penalties against persons engaged in the unauthorized practice of naturopathic medicine.

Source.#6379, eff 11-26-96; ss by #8299, eff 3-9-05

Nat 103.03 Council on Doctors of Naturopathic Medicine Formulary.

(a) There is a council on doctors of naturopathic medicine formulary with a membership as specified in RSA 328-E:16, I and a chair elected from among the members.

(b) The duties of the council are:

(1) To determine the substances to be included in the formulary that may be prescribed by a doctor of naturopathic medicine; and

(2) To review the formulary periodically in accordance with RSA 328-E:16, III.

Source.#6379, eff 11-26-96; ss by #8299, eff 3-9-05

Nat 103.04 Administrative and Staff Services. There shall be an administrative assistant and such other staff members as are provided by the department to perform the record-keeping and other statutory functions of the board and to oversee the board's day-to-day operations.

Source. #6379, eff 11-26-96; ss by #8299, eff 3-9-05

Nat 103.05 Meetings. The board shall meet semi-annually and at such additional times called for by:

(a) The chairperson; or

(b) Vote of the board.

Source. #6379, eff 11-26-96; ss by #8299, eff 3-9-05

Nat 103.06 Quorum and Majority for Decision Making.

(a) A total of 4 members of the board shall constitute a quorum, in accordance with RSA 328-E:7, V, to convene a meeting or conduct a hearing.

(b) Any action shall be taken only by the affirmative vote of a majority of those board members present and voting.

(c) Board members shall inform the administrative assistant or chairperson at the earliest possible time if they will be unable to attend a meeting so that a new meeting time can be scheduled if there will not be a quorum.

Source. #6379, eff 11-26-96; ss by #8299, eff 3-9-05

Nat 103.07 Record of Board Actions.

(a) Minutes shall be kept of board meetings and of official actions taken by the board.

(b) These minutes shall record those members who participate in each vote and shall separately record the position of members who choose to dissent, abstain or concur.

Source. #6379, eff 11-26-96; ss by #8299, eff 3-9-05

Nat 103.08 Committees.

(a) A committee shall consist of one or more board members who have been directed by the board to investigate and make recommendations on matters within the jurisdiction of the board.

(b) When expressly authorized by the board, the authority of a committee shall include the retention of voluntary assistance from qualified non-board members.

Source. #8299, eff 3-9-05

Nat 103.09 Officers.

(a) The board shall elect a chairperson, vice-chairperson and secretary-treasurer annually at the first meeting of each calendar year.

(b) The chairperson shall oversee all correspondence to and from the board, represent the board or designate another board member to represent the board, and chair the board meetings.

(c) The secretary shall keep minutes at each meeting and provide drafts of the minutes to the administrative assistant.

Source. #8299, eff 3-9-05

PART Nat 104 PUBLIC REQUESTS FOR INFORMATION

Nat 104.01 Office Location and Mailing Address, Office Hours, Telephone Number, TTY/TDD Access and Fax Number.

(a) The board's office is located at :

New Hampshire Naturopathic Board of Examiners

c/o Department of Health and Human Services
Office of Program Support
129 Pleasant Street
Concord, N.H. 03301

- (b) The office shall be open to the public weekdays, excluding holidays, from 8:00 A.M. to 4:00 P.M.
- (c) The board's telephone number at the department of health and human services is (603) 271-9254.
- (d) Access to the board for in-state TTY/TDD users is through Relay New Hampshire by dialing 711.
- (e) The board's fax number at the department of health and human services is (603) 271-5590.

(f) Persons wishing to make submissions to, or requests of, the board may mail a letter to the administrative assistant at the address stated in paragraph (a), call the number stated in paragraph (c), communicate by TTY/TDD using the number stated in paragraph (d), or send a fax to the number stated in paragraph (e).

Source.#6379, eff 11-26-96; ss by #8299, eff 3-9-05

Nat 104.02 Inspection and Copies of Records.

(a) Pursuant to RSA 91-A:4 members of the public may inspect and have copies of those records of the board which are public records and not exempt from disclosure under RSA 91-A:5 or other applicable law.

(b) The administrative assistant shall be the custodian of the board's records and shall respond to requests to examine and have copies of public records.

(c) Minutes of board proceedings in public session shall be public records pursuant to RSA 91-A:2, II and shall be available for inspection during the board's ordinary office hours within 144 hours from the close of the meeting.

(d) Minutes of board proceedings in nonpublic session shall be public records and made available within 72 hours of the meeting, unless, pursuant to RSA 91-A:3, III, the board votes to keep such records confidential.

(e) Persons desiring copies of board records shall submit a request which reasonably describes the information being sought and pay a copying fee of \$.25 per page.

(f) If records are requested which contain both public information and information exempt from disclosure pursuant to RSA 91-A or other law, the administrative assistant shall delete the information exempt from disclosure and provide the remaining information.

Source.#6379, eff 11-26-96; ss by #8299, eff 3-9-05

CHAPTER Nat 200 PROCEDURAL RULES

PART Nat 201 DEFINITIONS

Nat 201.01 Definitions. The following terms shall have the following meanings:

(a) "Appearance" means a written notification to the board that a party, an intervenor or the representative of a party or intervenor intends to actively participate in a hearing.

(b) "Board" means "board" as defined in RSA 328-E:2, III, namely, "the naturopathic board of examiners established under RSA 328-E:7."

(c) "Contested case" means "contested case" as defined in RSA 541-A:1, IV, namely, "a proceeding in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after notice and an opportunity for hearing".

(d) "Declaratory ruling" means "declaratory ruling" as defined in RSA 541-A:1, V, namely, "an agency ruling as to the specific applicability of any statutory provision or of any rule or order of the agency".

(e) "Hearing" means "adjudicative proceeding" as defined by RSA 541-A:1, I, namely, "the procedure to be followed in contested cases, as set forth in RSA 541-A:31 through RSA 541-A:36".

(f) "Intervenor" means a person without the status of a party but participating in a hearing to the extent permitted by the presiding officer acting pursuant to RSA 541-A:32.

(g) "Motion" means a request to the presiding officer for an order or ruling directing some act to be done in favor of the proponent of the motion, which request includes a statement of reasons for the request and any applicable law supporting the request.

(h) "Order" means "order" as defined in RSA 541-A:1, XI, namely, "the whole or part of an agency's final disposition of a matter, other than a rule, but does not include an agency's decision to initiate, postpone, investigate or process any matter, or to issue a complaint or citation".

(i) "Party" means "party" as defined by RSA 541-A:1, XII, namely, "each person or agency named or admitted as a party, or properly seeking and entitled as a right to be admitted as a party".

(j) "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than the committee.

(k) "Presiding officer" means presiding officer as defined in RSA 541-A:1, XIV, namely, "that individual to whom the agency has delegated the authority to preside over a proceeding, if any; otherwise it shall mean the head of the agency".

(l) "Proof by a preponderance of the evidence" means a demonstration by admissible evidence that a fact or legal conclusion is more probable than not to be true.

(m) "Public comment hearing" means a hearing held pursuant to RSA 541-A:11.

(n) "Rulemaking petition" means a petition made pursuant to RSA 541-A:4, I

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05.

PART Nat 202 DISPUTE RESOLUTION

Nat 202.01 Principles of Dispute Resolution. The board shall resolve by agreement or decision after hearing all disputes, including disputes about disciplinary and other non-criminal matters, within the scope of RSA 328-E and its administrative rules.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

Nat 202.02 Construction of Rules. Nat 204-212 shall be construed to secure the just, accurate and efficient resolution of all disputes.

Source. #8300, eff 3-9-05

Nat 202.03 Right to A Hearing. Any person having a dispute with the board shall be entitled to a hearing of the dispute if:

(a) The legal rights, duties or privileges of that person will be determined in the course of deciding the outcome of the dispute; and

(b) Constitutional, statutory or case law requires the board to hold a hearing before determination of those rights, duties or privileges.

Source. #8300, eff 3-9-05

PART Nat 203 COMPLAINTS OF MISCONDUCT

Nat 203.01 Procedures for Submission and Processing of Complaints of Misconduct by Licensees.

(a) Persons wishing to complain of licensee misconduct shall submit to the board a written complaint including the information described in (b) below, using mail or any electronic means for which the board is able to maintain security.

(b) The complaint shall include:

(1) The name and address of the complainant;

(2) If the complaint is made on behalf of another person, the name of that person and the relationship of that person to the complainant;

(3) The date of the complaint;

(4) The name of the licensee complained against;

(5) If known, the business address and telephone number of the licensee complained against;

(6) A detailed description of the treatment, action or event complained about;

(7) The beginning and ending dates of the treatment, action or event being complained about; and

(8) As attachments, copies, but not originals, of any documents which relate to the complaint.

(c) Within 90 calendar days the board shall review the complaint and decide whether to dismiss the complaint or to begin an investigation of the allegations in the complaint.

(d) The board shall mail a copy of any complaint it has not dismissed to the licensee complained against.

(e) The board shall dismiss the complaint in a written notice to the complainant when:

(1) The board has no authority to regulate the actions or omissions complained about; or

(2) There is nothing in the complaint to suggest that the actions or omissions complained of may have constituted misconduct under RSA 328-E, the rules or any order of the board, or any statute within the authority of the board to enforce.

(f) A complainant whose complaint has been dismissed shall have the right to challenge the dismissal through a hearing.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8301, eff 3-9-05

PART Nat 204 CONDUCT OF HEARINGS; PRESIDING OFFICER; WAIVER OF RULES

Nat. 204.01 Conduct of Hearings.

(a) Hearings shall be conducted by a presiding officer designated by the board.

(b) If they are present, board members shall have the opportunity to question witnesses, parties, intervenors and representatives of parties and intervenors, subject to the presiding officer's direction as to the time at which the questioning takes place.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

Nat 204.02 Presiding Officer. The presiding officer shall as necessary:

(a) Regulate and control the course of the hearing;

(b) Facilitate settlement of the dispute which is the subject of the hearing;

(c) Administer oaths and affirmations;

(d) Request the issuance by the board of subpoenas to compel the attendance of witnesses or the production of papers and records;

(e) Receive relevant evidence and exclude irrelevant, immaterial or unduly repetitious evidence;

(f) Rule on procedural requests at the request of a party or intervenor or on the presiding officer's own motion;

(g) Question anyone who testifies;

(h) Cause a complete record of the hearing to be made, as specified in RSA 541-A:31, VII; and

(i) Take any other action consistent with applicable statutes, rules and case law necessary to conduct the hearing and complete the record in a fair and timely manner.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

Nat 204.03 Withdrawal of Presiding Officer.

(a) Upon his or her own initiative or upon the motion of any party or intervenor, the presiding officer shall withdraw from any hearing for good cause.

(b) Good cause shall exist if the presiding officer:

(1) Has a direct interest in the outcome of the hearing, including but not limited to, a financial or family relationship with any party or intervenor;

(2) Has made statements or engaged in behavior which objectively demonstrates that he or she has prejudged the facts of the case; or

(3) Personally believes that he or she cannot fairly judge the facts of the case.

(c) Mere knowledge of the issues or acquaintance with any party, intervenor or witness shall not constitute good cause for withdrawal.

Source. #6380, eff 11-26-96, Expired: 11-26-04

New. #8300, eff 3-9-05

Nat 204.04 Waiver or Suspension of Rules by Presiding Officer. The presiding officer, upon the motion of any party or intervenor or on the initiative of the presiding officer, shall upon reasonable notice to affected persons suspend or waive any requirement or limitation imposed by this chapter when the suspension or waiver:

(a) Appears to be lawful; and

(b) Is more likely to promote the just, accurate and efficient resolution of the pending dispute than would adherence to a particular rule or procedure.

Source. #8300, eff 3-9-05

PART Nat 205 FORMAT, SUBMISSION AND DELIVERY OF HEARING DOCUMENTS

Nat 205.01 Format of Hearing Documents.

(a) All correspondence, pleadings, motions or other documents relating to a hearing and submitted to the board shall:

(1) Include the title and docket number of the case, if known;

(2) Be typewritten or clearly printed on durable paper 8 1/2 by 11 inches in size;

(3) Be signed by the proponent of the document, or, if the proponent appears by a representative, by the representative; and

(4) Include a statement certifying that a copy of the document has been delivered to all parties and intervenors in compliance with Nat 205.03.

(b) The signature of a party or intervenor or the representative of the party or the intervenor on a document submitted to the board shall constitute certification that:

(1) The signer has read the document;

- (2) The signer is authorized to file it;
- (3) To the best of the signer's knowledge, information and belief there are good and sufficient grounds to support it; and
- (4) The document has not been filed for purposes of delay.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

Nat 205.02 Dates of Issuance and Submission.

(a) All written documents governed by this chapter shall be rebuttably presumed to have been issued on the date noted on the document.

(b) All written documents governed by this chapter shall be rebuttably presumed to have been submitted to the board on the date of receipt evidenced by a date stamp placed on the document by or on behalf of the board in the normal course of business

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

Nat 205.03 Delivery of Documents.

(a) Copies of all motions, exhibits, memoranda, or other documents submitted by any party or intervenor shall be delivered by that party or intervenor to all other parties and intervenors.

(b) All notices, orders, decisions or other documents issued by the presiding officer or the board shall be delivered to all parties and intervenors.

(c) Delivery of documents described in (a) and (b) above shall be made by personal delivery or by depositing into the United States mail a copy of the document in an envelope bearing:

- (1) The name of the person intended to receive the document;
- (2) The full address, including zip code, last provided to the board by such person; and
- (3) Prepaid first class postage.

(d) Delivery of documents issued by the presiding officer or the board shall be by mailing them in accordance with (c) above and also by mailing them using certified mail with return receipt requested.

(e) When a party or intervenor appears by a representative, delivery of a document to the party's or intervenor's representative at the address stated on the appearance submitted by the representative shall constitute delivery to the party or intervenor.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

PART Nat 206 TIME PERIODS

Nat 206.01 Computation of Time.

(a) Unless otherwise specified, the unit of time for time periods referenced in this chapter shall be calendar days.

(b) Computation of any period of time referred to in this chapter shall begin with the day after the action which sets the time period in motion, and shall include the last day of the period so computed.

(c) If the last day of the period so computed falls on a Saturday, Sunday or a legal holiday, then the time period shall be extended to include the first business day following the Saturday, Sunday or legal holiday.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

PART Nat 207 MOTIONS

Nat 207.01 Motions; Objections.

(a) Motions shall be in writing and filed with the presiding officer, unless made in response to a matter asserted for the first time at a hearing or on the basis of information which was not received in time to prepare a written motion.

(b) Oral motions and any oral objections to such motions shall be recorded in full in the record of the hearing.

(c) If the presiding officer finds that the motion requires additional information in order to be fully and fairly considered, the presiding officer shall direct the proponent to submit the motion in writing and provide supporting information.

(d) Objections to written motions shall be submitted within 10 days of the date of the motion.

(e) Failure by an opposing party or an intervenor to object to a motion shall not in and of itself constitute grounds for granting the motion.

(f) The presiding officer shall hold a hearing on any motion when necessary to obtain information or clarify issues relating to the motion

(g) The presiding officer shall rule upon a motion after full consideration of all objections and applicable law.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

PART Nat 208 COMMENCEMENT OF THE HEARING; APPEARANCES; PRE-HEARING CONFERENCE; RECORDING THE HEARING; WITNESS FEES

Nat 208.01 Commencement of The Hearing.

(a) A hearing shall be commenced by:

(1) An order of the board giving the parties the notice specified in (b) below; and

(2) In the case of a hearing related to the board's emergency suspension of a license, the notice specified in (b) below together with the order issued pursuant to Nat 208.02 (a).

(b) The hearing notice shall contain:

- (1) The names and addresses of the parties;
- (2) A statement of the nature of the hearing;
- (3) The time and place of the hearing and of any pre-hearing conference;
- (4) A statement of the legal authority under which the hearing is to be held;
- (5) A reference to the applicable statutes and rules;
- (6) A short and plain statement of the issues presented;
- (7) A statement that each party has the right to have representation by an attorney at the party's own expense;
- (8) The name of the presiding officer;
- (9) In the case of a disciplinary proceeding against a licensee, the statement that:
 - a. The licensee has the right to have the board provide a certified shorthand court reporter at the licensee's expense; and
 - b. The licensee's request for a certified shorthand court reporter shall be submitted in writing at least 10 days before the beginning of the hearing; and
- (10) In the case of a hearing related to the board's emergency suspension of a license pursuant to Nat 208.02, a statement that the board shall provide a certified shorthand court reporter at the board's expense.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

Nat 208.02 Procedure for Emergency Suspension of Licenses.

(a) Upon a finding that public health, safety or welfare requires emergency action, the board shall immediately and prior to a hearing suspend a license by issuing a written order of suspension incorporating the finding.

(b) The board shall commence a hearing no later than 10 working days after the issuance of an order pursuant to (a).

(c) Unless the 10-day deadline in (b) is expressly waived by the licensee, the failure of the board to meet the deadline shall result in the automatic vacating of the order of license suspension.

(d) After the vacating of the order pursuant to (c) above, the board shall not again suspend the license on the basis of the same conduct which formed the basis for the vacated order without giving the licensee prior notice and the opportunity for a hearing.

(e) The recording of a hearing on the emergency suspension of a license shall be made by a certified shorthand court reporter provided and paid for by the board.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

Nat 208.03 Appearances.

(a) An appearance shall be filed by:

- (1) Each party or the party's representative, if any; and
- (2) Each intervenor or the intervenor's representative, if any.

(b) The appearance shall contain the following information:

- (1) The docket number assigned by the board or a brief identification of the case;
- (2) The daytime address and telephone number of the person filing the appearance; and
- (3) If applicable, the daytime address and telephone number of the party or intervenor represented by the person filing the appearance.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-0

New. #8300, eff 3-9-05

Nat 208.04 Prehearing Conference.

(a) A prehearing conference shall be scheduled on the request of any party or intervenor or on the initiative of the presiding officer if the presiding officer determines that to do so would facilitate the proceedings or encourage resolution of the dispute.

(b) Such prehearing conference shall include one or more of the following:

- (1) Offers of settlement;
- (2) Simplification of the issues;
- (3) Stipulations or admissions as to issues of fact or proof;
- (4) Limitations on the number of witnesses;
- (5) Changes to standard hearing procedures;
- (6) Consolidation of examination of witnesses; and
- (7) Any other matters which advance the efficiency of the proceedings.

Source.#8300, eff 3-9-05

Nat 208.05 Recording the Hearing.

(a) Except in the circumstances described in (b) below, the presiding officer shall record the hearing electronically or any by any other method that will provide a verbatim record.

(b) A hearing on the immediate suspension of a license pursuant to RSA 541-A:30, III shall be recorded by a certified shorthand court reporter provided by the board.

(c) If any person requests a transcript of the recording of a hearing, the board shall:

(1) Cause a transcript to be prepared; and

(2) Upon receipt of payment for the cost of the transcription, provide a copy of the transcript to the person making the request.

Source. #8300, eff 3-9-05

Nat 208.06 Witness Fees. Witnesses summoned to appear at a hearing shall be paid the same fees as witnesses summoned to appear before the superior court.

Source. #8300, eff 3-9-05

PART Nat 209 INTERVENTION; ROLES OF COMPLAINANTS AND BOARD STAFF

Nat 209.01 Intervention Procedure.

(a) Petitions for intervention shall:

(1) Describe in writing the petitioner's interest in the subject matter of the proceedings;

(2) Be submitted to the presiding officer; and

(3) Be mailed in copy form to all parties identified in the notice commencing the hearing.

(b) A petition for intervention shall be granted by the presiding officer if the petitioner complied with (a) above at least 3 days before the hearing and the presiding officer determines that:

(1) The petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests might be affected by the proceedings or the petitioner qualifies as an intervenor under law; and

(2) The intervention sought would not impair the interests of justice and the orderly and prompt conduct of the proceedings.

(c) The presiding officer shall grant a petition for intervention at any time if:

(1) The petitioner complied with (a) above; and

(2) The presiding officer determines that the intervention sought would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

Nat 209.02 Effect of Intervention.

(a) Approval of intervention by the presiding officer shall apply only to the proceeding in which the petition for intervention was granted.

(b) Notwithstanding the provisions of this chapter, an intervenor's right to participate in an adjudicative proceeding shall be subject to any limitations or conditions imposed by the presiding officer pursuant to RSA 541-A:32, III.

(c) An intervenor shall take the proceedings as he or she finds them and no portion of the proceeding shall be repeated because of the fact of intervention.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

Nat 209.03 Rights of an Intervenor. Notwithstanding the provisions of this chapter, an intervenor's right to participate in the proceeding shall be subject to any limitations or conditions imposed by the presiding officer pursuant to RSA 541-A:32, III.

Source. #8300, eff 3-9-05

Nat 209.04 Role of Complainants and Board Staff.

(a) Complainants alleging misconduct by a licensee may petition to intervene in the disciplinary hearings arising from their complaints.

(b) Unless called as witnesses, board staff shall have no role in any hearing.

Source. #8300, eff 3-9-05

PART Nat 210 CONTINUANCES AND FAILURE TO ATTEND HEARING

Nat 210.01 Continuances.

(a) Any party or intervenor may make an oral or written motion that a hearing be delayed or continued to a later date or time.

(b) A motion for a delay or a continuance shall be granted if the presiding officer determines that there is good cause to do so.

(c) Good cause shall include:

- (1) The unavailability of parties, intervenors, representatives of parties or intervenors, or witnesses necessary to conduct the hearing;
- (2) The likelihood that a settlement will make the hearing or its continuation unnecessary; and
- (3) Any other circumstances that demonstrate that a delay or continuance would assist in resolving the case fairly.

(d) If the later date, time and place are known when the hearing is being delayed or continued, the information shall be stated on the record. If the later date, time and place are not known at that time, the presiding officer shall as soon as practicable issue a written scheduling order stating the date, time and place of the delayed or continued hearing.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

Nat 210.02 Failure of a Party to Attend or Participate in the Hearing.

(a) A party shall be in default if the party:

- (1) Has the overall burden of proof;
- (2) Has been given notice in accordance with Nat 208.01; and
- (3) Fails to attend the hearing.

(b) If a party is in default under (a) above, the case shall be dismissed.

(c) If a party who does not have the overall burden of proof fails to attend the hearing after having been given notice in accordance with Nat 208.01, the testimony and evidence of any other parties or intervenors shall be received and evaluated.

(d) If a party who has the overall burden of proof attends the hearing but fails to participate by presenting evidence or argument, a decision shall be entered against that party.

(e) The board shall not dismiss the case under (b) above if the failure to attend results from circumstances that are beyond the control of the party.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

PART Nat 211 REQUESTS FOR INFORMATION AND DOCUMENTS

Nat 211.01 Voluntary Production of Information.

(a) Each party and intervenor shall attempt in good faith to make complete and timely response to requests for the voluntary production of information and documents relevant to the hearing.

(b) When a dispute arises concerning a request for the voluntary production of information or documents, any party or intervenor may file a motion to compel the production of the requested information or documents.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

Nat 211.02 Motions to Compel Production of Information and Documents.

(a) Any party or intervenor may make a motion seeking an order for compliance with an information or document request. The motion shall be filed at least 30 days before the date scheduled for the hearing, or as soon as possible after receiving the notice of the hearing if such notice is issued less than 30 days in advance of the hearing.

(b) The motion shall:

- (1) Set forth in detail those facts which justify the request for information or documents; and
- (2) List with specificity the information or documents being sought.

(c) The presiding officer shall grant the motion if its proponent has demonstrated that an order for compliance is necessary for a full and fair presentation of evidence at the hearing.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

Nat 211.03 Mandatory Pre-Hearing Disclosure of Witnesses and Exhibits. At least 5 days before the hearing the parties and intervenors shall provide to the other parties and intervenors:

- (a) A list of all witnesses to be called at the hearing together with a brief summary of their testimony;
- (b) A list of all documents and exhibits to be offered as evidence at the hearing; and
- c) A copy of each document or exhibit.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

PART Nat 212 RECORD, PROOF, EVIDENCE AND DECISIONS

Nat 212.01 Record. The record of the hearing in a contested case shall be as set forth in RSA 541-A:31, VI.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

Nat 212.02 Burden and Standard of Proof. The party or intervenor asserting a proposition shall bear the burden of proving the truth of the proposition by a preponderance of the evidence.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

Nat 212.03 Testimony; Order of Proceeding.

(a) Any individual offering testimony, evidence or arguments shall state for the record his or her name and role in the hearing. If the individual is representing another person, the person being represented shall also be identified.

(b) Testimony on behalf of the parties shall be offered in the following order:

- (1) The testimony of the party or parties bearing the overall burden of proof and such witnesses as such party or parties may call; and
- (2) Thereafter the testimony of the party or parties opposing the party who bears the overall burden of proof and such witnesses as such party or parties may call.

(c) The testimony of intervenors shall be offered at the time directed by the presiding officer.

Source. #8300, eff 3-9-05

Nat 212.04 Evidence.

(a) Receipt of evidence shall be governed by the provisions of RSA 541-A:33.

(b) All documents, materials and objects offered as exhibits shall be admitted into evidence unless excluded by the presiding officer as irrelevant, immaterial, unduly repetitious or legally privileged.

(c) All objections to the admissibility of evidence shall be stated as early as possible in the hearing, but not later than the time when the evidence is offered.

(d) Transcripts of testimony as well as documents, materials and objects admitted into evidence shall be public records unless the presiding officer determines that all or part of them is exempt from disclosure under RSA 91-A:5 or applicable case law.

Source. #8300, eff 3-9-05

Nat 212.05 Proposed Findings of Fact and Rulings of Law.

(a) Any party or intervenor may submit proposed findings of fact and rulings of law to the presiding officer before or at the hearing.

(b) The presiding officer shall require the submission of proposed findings of fact and rulings of law and specify a deadline after the close of the hearing for their submission when:

(1) Any party or intervenor has requested such action;

(2) The presiding officer is required by Nat 212.08(c) to make findings of fact and rulings of law; or

(3) The presiding officer determines that proposed findings of fact and rulings of law would clarify the issues presented at the hearing.

(c) In any case where proposed findings of fact and rulings of law are submitted, the decision shall include rulings on the proposals.

Source. #8300, eff 3-9-05

Nat 212.06 Closing the Record. After the conclusion of the hearing, the record shall be closed and no additional evidence shall be received into the record except as allowed by Nat 212.07.

Source. #8300, eff 3-9-05

Nat 212.07 Reopening the Record.

(a) If no written proposal for decision pursuant to Nat 212.08 (c) or final decision pursuant to Nat 212.08 (a) has been issued, any party or intervenor may move to reopen the record for the inclusion in the record of specified evidence.

(b) A motion pursuant to (a) above shall be granted if:

(1) There is no objection from any other party or intervenor;

(2) The evidence sought to be included in the record was not available at the time of the hearing; and

(3) The presiding officer determines that evidence is relevant, material and non-duplicative and its inclusion in the record is necessary to a full and fair consideration of the issues to be decided.

(c) If there is an objection from a party or intervenor to a motion made pursuant to (a) above, the hearing shall be reopened for the purpose of receiving evidence, permitting cross-examination and permitting argument on the issue of reopening the record for the admission of the specified evidence.

(d) The presiding officer shall grant a motion made pursuant to (a) above if, after the reopened hearing described in (c) above, the hearing officer determines that the evidence:

(1) Was not available at the time of the hearing;

(2) Is relevant, material and non-duplicative; and

3) Is necessary to a full and fair consideration of the issues to be decided.

(e) If the presiding officer permits the reopening of the record for the admission of the specified evidence, the hearing officer shall extend the hearing reopened pursuant to (c) for the purpose of receiving evidence, permitting cross-examination and permitting argument on the substance of the evidence.

Source. #8300, eff 3-9-05

Nat 212.08 Decision After Hearing.

(a) The board shall make a final decision based on:

(1) A hearing attended by a quorum of the board;

(2) A written proposal for decision meeting the requirements of paragraph (c); or

(3) A hearing held pursuant to paragraph (d)(2).

(b) A board member shall not participate in the board's decision if he or she has not personally heard all of the testimony in the case, unless the matter's disposition does not depend on the credibility of any witness and the record provides a reasonable basis for evaluating the testimony.

(c) If a presiding officer has been delegated the authority to conduct the hearing in the absence of a quorum of the board, the presiding officer shall submit to the board a written proposal for decision containing:

(1) The decision proposed by the presiding officer;

(2) A statement of the reasons for the proposed decision; and

(3) Findings of fact and rulings of law necessary to the proposed decision.

(d) If a proposal for decision submitted pursuant to paragraph (c) is adverse to a party or an intervenor, the board shall:

(1) Serve a copy of the proposal for decision on each party and intervenor; and

(2) Provide an opportunity to file objections and present briefs and oral arguments to the board.

(e) The board shall keep a final decision on file in its records for at least 5 years following the date of the final decision or the date of the decision on any appeal, unless the director of the division of records management and archives of the department of state sets a different retention period pursuant to rules adopted under RSA 5:40.

(f) The board shall entertain no requests for rehearing.

Source. #8300, eff 3-9-05

PART Nat 213 SETTLEMENTS

Nat 213.01 Settlement of Some or All Issues in a Dispute.

(a) Any licensee who has a dispute with the board shall have the opportunity at any time to reach an agreement to settle some or all of the issues if:

(1) There is no dispute about the material facts underlying the issues to be settled; and

(2) If the dispute relates to a complaint submitted in accordance with Alc 203.01, the complainant has the opportunity to submit for the board's consideration written comment on the terms of the proposed settlement.

(b) To be effective, an agreement to settle shall be:

(1) In writing;

(2) Signed by the licensee; and

(3) After the signing by the licensee, finalized as an order issued by the board.

(c) The signing by the licensee of an agreement to settle shall constitute a waiver of the licensee's right to a hearing of the issues resolved by the agreement.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8301, eff 3-9-05

PART Nat 214 RULEMAKING REQUESTS

Nat 214.01 Petitions for Rulemaking. Any person may seek the adoption, amendment or repeal of a rule by submitting to the board a petition pursuant to RSA 541-A:4 which shall contain:

(a) The name and address of the individual petitioner or, if the request is that of an entity, the identity of the entity and the name and address of the representative authorized by the entity to file the petition;

(b) A statement of the purpose of the petition, whether the adoption, amendment or repeal of a rule;

(c) If amendment or adoption of a rule is sought, the text proposed;

(d) If amendment or repeal of a rule is sought, identification of the current rule sought to be amended or repealed;

(e) Reference to the statutory provision which authorizes or supports the rulemaking petition; and

(f) Information or argument useful to the board when deciding whether to begin the rulemaking process.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8300, eff 3-9-05

Nat 214.02 Disposition of Petitions for Rulemaking.

(a) The board shall request additional information or argument from the person petitioning for rulemaking or from others if such additional information or argument is required to reach a decision.

(b) The board shall deny the petition for rulemaking when the adoption, amendment or repeal sought would result in:

(1) A rule which is not within the rulemaking authority of the board;

(2) Duplication of a rule or of a statutory provision;

(3) Inconsistency between the existing rules and the statutory mandate of the board;

(4) Inconsistency of administrative rules one with another; or

(5) Excessive burden upon the board in terms of cost or a reduction in efficiency or effectiveness.

(c) Within 30 days of receipt of a sufficient petition the board shall dispose of it in the following manner:

(1) By notifying the individual or entity representative filing the petition that the petition is granted and beginning rulemaking proceedings as required by RSA 541-A:4; or

(2) By notifying such individual or entity representative in writing that the petition is denied and the reasons for its denial.

(d) The denial of a petition for rulemaking shall not entitle the petitioner to a hearing.

Source. #8300, eff 3-9-05

PART Nat 215 PUBLIC COMMENT HEARINGS

Nat 215.01 Purpose. The purpose of this part is to provide uniform procedures for the conduct of public comment hearings held pursuant to RSA 541-A:11.

Source. #8300, eff 3-9-05

Nat 215.02 Public Access and Participation.

(a) Public comment hearings shall be open to the public, and members of the public shall be entitled to testify, subject to the limitations of Nat 213.03.

(b) People who wish to testify shall be asked to:

(1) Write on the speakers' list their full names and addresses; and

(2) The names and addresses of organizations, entities or other persons whom they represent, if any.

(c) Written comments, which may be submitted in lieu of or in addition to oral testimony, shall be accepted for 10 days after the adjournment of the hearing or after the adjournment of the postponed or continued hearing.

Source. #8300, eff 3-9-05

Nat 215.03 Limitations on Public Participation. The board's chair or other person designated by the board to preside over the hearing shall:

(a) Refuse to recognize for speaking or revoke the recognition of any person who:

(1) Speaks or acts in an abusive or disruptive manner; or

(2) Refuses to keep comments relevant to the proposed rules that are the subject matter of the hearing; and

(b) Limit presentations on behalf of the same organization or entity to no more than 3, provided that all those representing such organization or entity may enter their names and addresses into the record as supporting the position of the organization or entity.

Source. #8300, eff 3-9-05

Nat 215.04 Media Access. Public comment hearings shall be open to print and electronic media, subject to the following limitations when such limitations are necessary to allow the hearing to go forward:

(a) Limitation of the number of media representatives when their number together with the number of members of the public present exceeds the capacity of the hearing room;

(b) Limitation on the placement of cameras to specific locations within the hearing room; or

(c) Prohibition of interviews conducted within the hearing room before or during the hearing.

Source. #8300, eff 3-9-05

Nat 215.05 Conduct of the Hearing.

(a) Public comment hearings shall be attended by a quorum of the board.

(b) Public comment hearings shall be presided over by the board chair or a board member knowledgeable in the subject area of the proposed rules who has been designated by the board to preside over the hearing.

(c) The chair or other person presiding over the hearing shall:

(1) Call the hearing to order;

- (2) Identify the proposed rules that are the subject matter of the hearing and provide copies of them upon request;
- (3) Cause a recording of the hearing to be made;
- (4) Recognize those who wish to be heard;
- (5) If necessary, establish limits pursuant to Nat 215.03 and Nat 215.04;
- (6) If necessary to permit the hearing to go forward in an orderly manner, effect the removal of a person who speaks or acts in a manner that is personally abusive or otherwise disrupts the hearing;
- (7) If necessary, postpone or move the hearing; and
- (8) Adjourn or continue the hearing.

(d) The hearing shall be postponed in accordance with RSA 541-A:11, IV when:

- (1) The weather is so inclement that it is reasonable to conclude that people wishing to attend the hearing will be unable to do so;
- (2) The board chair or other person designated by the board to preside over the hearing is ill or unavoidably absent; or
- (3) Postponement will facilitate greater participation by the public.

(e) The hearing shall be moved to another location in accordance with RSA 541-A:11, V when the original location is not able to accommodate the number of people who wish to attend the hearing.

(f) The hearing shall be continued past the scheduled time or to another date in accordance with RSA 541-A:11, III when:

- (1) The time available is not sufficient to give each person who wishes to speak a reasonable opportunity to do so; or
- (2) The capacity of the room in which the hearing is to be held does not accommodate the number of people who wish to attend and it is not possible to move the hearing to another location.

Source. #8300, eff 3-9-05

PART Nat 216 DECLARATORY RULINGS

Nat 216.01 Requests for Declaratory Rulings by the Board.

(a) Any person may request a declaratory ruling by the board if:

- (1) The person is directly affected by RSA 328-E or by any administrative rule implementing that statute; and
- (2) The legal issues presented by the request taken together with the facts presented pursuant to Nat 216.02 (a) (2) and in response to any request of the board made pursuant to Nat 216.03 (b) are not substantially the same as those of a matter pending before the board or a court of law.

(b) A request for a declaratory ruling shall be in an original and 6 copies containing:

- (1) The name, address and statement of interest of the person making the request;
- (2) The text of the ruling being requested;
- (3) The reasons for the request; and
- (4) The following declaration signed by the individual making the request, or the authorized representative the person making the request:

"I declare that I have examined the request for a declaratory ruling, including the accompanying documents, and state that, to the best of my knowledge and belief, the facts presented in support of the requested declaratory ruling are true, correct, and complete."

Source. #8300, eff 3-9-05

Nat 216.02 Documents Required to Support Requests. A request for a declaratory ruling shall be accompanied by:

- (a) A statement citing the statutory law, regulatory law and orders believed to support the ruling being requested;
- (b) A statement of the facts believed to support the ruling being requested; and
- (c) Supplementary material necessary to establish or clarify the facts set forth in the statement of facts; and
- (d) Any additional material chosen by the person making the request.

Source. #8300, eff 3-9-05

Nat 216.03 Processing Requests.

(a) Within 30 days of receiving a request for a declaratory ruling the board shall advise the person requesting it if the ruling will be delayed by the need for additional information or the complexity of the issues presented by the request.

(b) If additional information should be needed, the board shall specify the additional information required and request that it be provided in a statement of additional information which includes the declaration specified in Nat 216.01(b)(5) and is accompanied by any material necessary to establish or clarify the facts set forth in the statement.

Source. #8300, eff 3-9-05

Nat 216.04 Issuance of Declaratory Rulings. When facts sufficient to support a declaratory ruling or to justify denial of a declaratory ruling have been established, the board shall:

- (a) Issue a written declaratory ruling which applies all relevant law to the established facts; or
- (b) Issue a written decision that the board lacks the subject matter or personal jurisdiction required for the issuance of a declaratory ruling.

Source. #8300, eff 3-9-05

Nat 216.05 Effect of Declaratory Rulings. A declaratory ruling shall apply only to the person requesting it and shall be confined to the facts presented pursuant to Nat 216.02(a)(2) and in response to a request of the board made pursuant to Nat 216.03(b).

Source. #8300, eff 3-9-05

Nat 216.06 Issuance and Publication of Declaratory Rulings. Declaratory rulings shall be:

(a) Edited as necessary to comply with RSA 91-A; and

(b) Filed on the day of issuance with the director of legislative services in accordance with RSA 541-A:16, II (b)

Source. #8300, eff 3-9-05

PART Nat 217 EXPLANATION OF ADOPTED RULES

Nat 217.01 Requests for Explanation of Adopted Rules. Any interested person may, before 30 days after final adoption of a rule, request a written explanation of that rule by making a written request to the board and including in the request:

(a) The name and address of the person making the request; or

(b) If the request is that of an entity, the name and address of the entity and the name and address of the representative authorized by the entity to make the request.

Source. #8301, eff 3-9-05

Nat 217.02 Contents of Explanation. The board shall, within 90 days of receiving a request in accordance with Nat 217.01, provide a written response which:

(a) Concisely states the meaning of the rule adopted;

(b) Concisely states the principal reasons for and against the adoption of the rule in its final form; and

(c) States, if the board did so, why it overruled any arguments and considerations against the rule.

Source. #8301, eff 3-9-05

CHAPTER Nat 300 LICENSING AND CERTIFICATION REQUIREMENTS

PART Nat 301 DEFINITIONS

Nat 301.01 "Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM)" means a national entity recognized by the United States department of education as the accrediting body for professional educational programs in acupuncture and oriental medicine.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

Nat 301.02 "American College of Naturopathic Obstetricians (ACNO)" means a national professional organization which sponsors an examination for certification of naturopathic obstetricians.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

Nat 301.03 "Board" means "board" as defined in RSA 328-E:2, III, namely, "the naturopathic board of examiners established under RSA 328-E:7."

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

Nat 301.04 "Council on Naturopathic Medical Examination (CNME)" means a national organization that accredits programs which prepare students to become licensed naturopathic doctors.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

Nat 301.05 "Doctor of naturopathic medicine (ND)" means "doctor of naturopathic medicine" as defined in RSA 328-E:2, IV, namely, "a person authorized and licensed to practice naturopathic medicine under this chapter."

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

Nat 301.06 "National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM)" means a non-profit organization with the mission to establish, assess, and promote recognized standards of competence and safety in acupuncture and oriental medicine.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

Nat 301.07 "Naturopathic Physicians Licensing Examinations (NPLEX)" means the examinations administered by NABNE consisting of part I covering basic sciences and part II covering clinical sciences and designed to establish minimum uniform national standards of competence for naturopathic license applicants.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

Nat 301.08 "The North American Board of Naturopathic Examiners (NABNE)" means the examining board responsible for verifying applicants' qualifications to take NPLEX and for administering NPLEX.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

PART Nat 302 APPLICATION PROCEDURE

Nat 302.01 Application for Initial Licensure as a Doctor of Naturopathic Medicine. Persons who are not currently licensed as a doctor of naturopathic medicine or naturopathic physician in any state or the District of Columbia and who wish to apply for a license as a doctor of naturopathic medicine shall do so by submitting an application which contains:

- (a) The completed application form described in Nat 302.03;
- (b) The supporting materials specified by Nat 302.04; and
- (c) The license fee specified by Nat 307.01(a).

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

Nat 302.02 Processing of Applications.

(a) If the board, for the purpose of determining applicants' qualification for licensure, requires any information, materials or documents additional to those first submitted it shall:

- (1) So notify the applicants in writing within 60 days; and
- (2) Specify the information, materials and documents which the applicants are required to submit.

(b) If applicants do not submit the additional information and documents requested pursuant to (a) above within 60 days of receipt of the request,

- (1) Their applications shall be denied; and
- (2) They shall file entirely new applications if they desire to be licensed.

(c) The board shall approve or deny applications in writing within 120 days of the date that the board's office has received:

- (1) The materials specified by Nat 302.01; and
- (2) Any information, materials and documents requested pursuant to (a) above.

(d) Applicants may challenge the board's denial of their applications through a hearing if they make a written request for a hearing within 30 days of the date of receipt of the board's notification of denial.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

Nat 302.03 Two-Part Application Form.

(a) Applicants for initial licensure shall complete, sign and date a 2-part application form provided by the board.

(b) The information entered on both parts of the application form shall be typewritten or legibly printed in ink.

(c) On the first part of the application form applicants shall provide the following information:

- (1) First name, middle initial and last name;
- (2) Date and place of birth;
- (3) Business or other mailing address by name of business, if any, street number and name, city or town, state and zip code;
- (4) Business telephone number; and
- (5) With respect to naturopathic medical education:
 - a. The name and location of the institution(s);
 - b. The dates of attendance; and
 - c. The degree awarded.

(d) On the first part of the application form applicants shall indicate, using the “yes” and “no” boxes provided, whether:

- (1) They have ever been licensed or otherwise authorized to practice naturopathic medicine in any state, the District of Columbia, any territory or any foreign country;
- (2) They have ever been refused a professional license or other authorization to practice naturopathic medicine by a regulatory body of any state, country or other regulatory jurisdiction;
- (3) They have ever had a professional license or other authorization to practice naturopathic medicine revoked or suspended by a regulatory body of any state, country or other regulatory jurisdiction;
- (4) They have had disciplinary action other than action reportable under paragraphs (2) and (3) taken against them by any state, country or other regulatory jurisdiction;
- (5) They have ever entered into a settlement agreement or consent decree to resolve a complaint of misconduct or a disciplinary charge;
- (6) Any of their professional licenses are presently the subject of a disciplinary proceeding, settlement agreement or consent decree undertaken or issued by any professional licensing authority in any jurisdiction;
- (7) In the past 10 years, any disciplinary action has been taken against them by any hospital or other health care facility, or international, national, state or local professional association;
- (8) A malpractice claim or a malpractice law suit has been brought against them within the last 10 years;
- (9) They have ever been denied certification by NCCAOM or ACNO;
- (10) Their NCCAOM or ACNO certification has ever been suspended or revoked; and
- (11) They have ever been convicted of a felony or misdemeanor.

(e) The applicant shall sign and date the first part of the application form below the following statement preprinted on the form:

“(1) The information provided on both parts of the application form and the documentation provided to support the application are true, accurate, complete and unaltered; and

(2) The applicant acknowledges that, pursuant to RSA 641:3, the knowing making of a false statement on the application form is punishable as a misdemeanor.”

(f) The applicant's signature as set forth in (e) above shall constitute the applicant's acknowledgement of his or her understanding that any untrue, inaccurate, incomplete or altered information made knowingly on either part of the application form or included in the supporting materials is grounds for punishment pursuant to RSA 641:3.

(g) On the second part of the application form applicants shall provide:

(1) Their home addresses by street number and name, city or town, state and zip code; and

(2) Their home telephone numbers.

(h) On the second part of the application form applicants shall indicate, using the “yes” and “no” boxes provided, whether:

(1) They are now being, anticipate being, or have ever been, investigated for possible misconduct by a regulatory body of any state or country or other regulatory jurisdiction;

(2) They anticipate that any of their professional licenses soon will be the subject of a disciplinary proceeding, settlement agreement or consent decree undertaken or issued by any professional licensing authority in any jurisdiction;

(3) They have ever voluntarily surrendered a license or other authorization to practice naturopathic medicine, or allowed such a license or authorization to lapse, to avoid disciplinary investigation or action;

(4) They are now being, or have in the past 10 years been, investigated for possible misconduct by a hospital or other health care facility, or international, national, state or local professional association;

(5) They have any physical, mental, addictive or other condition that negatively affects their ability to practice naturopathic medicine;

(6) They have any physical, mental, addictive or other condition for which continuing remedial or therapeutic action is required to ensure their continuing ability to practice naturopathic medicine; and

(7) Since graduation from high school they have ever been denied the privilege of taking or finishing an examination or been accused of cheating or improper conduct during an examination.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

Nat 302.04 Supporting Materials. Applicants shall submit, or arrange for the submission of, the following supporting materials:

(a) A recent, un-retouched 3" by 4" photograph of the applicant;

(b) An official transcript(s) from each naturopathic medical college attended by the applicant;

(c) Verification of graduation from a naturopathic medical college meeting the requirements of Nat 303.02 in the form of:

- (1) A copy of the applicant's diploma authenticated by the issuing institution; or
- (2) An authenticated statement from the naturopathic medical college certifying that the applicant has graduated;

(d) If passage of NPLEX examinations is required by Nat 303.02(a), NPLEX scores sent directly to the board from NABNE;

(e) At least 2 signed letters of professional recommendation:

(1) Written by a licensed doctor of naturopathic medicine, a licensed osteopathic doctor or a licensed medical doctor;

(2) Including:

- a. The name and address of the writer;
- b. The writer's professional titles and affiliations;
- c. The name and address of the applicant; and
- d. The writer's statement that the writer is familiar with the work of the applicant and that it is of good professional quality;

(f) If any responses to the questions set forth in Nat 302.03(d) are affirmative, a complete and detailed written statement of the circumstances;

(g) If any responses to the questions set forth in Nat 302.03(h) are affirmative, a complete and detailed statement of the circumstances, written on a sheet of paper separate from the sheet of paper used for the statement required by (f) above; and

(h) Pursuant to RSA 161-B:11, VI-a, the applicant's social security number written on a separate sheet of paper which is:

- (1) Provided by the board; and
- (2) Includes the following preprinted notice:

"Information About The Request for Your Social Security Number

The Naturopathic Board of Examiners is required by law to ask for your social security number. The number will be held confidential by the Board and used only for enforcement of the laws governing child support. (42 USC 666(a)(13); RSA 161-B:11)."

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

PART Nat 303 QUALIFICATIONS

Nat 303.01 Eligibility for Initial Licensure. Applicants for initial licensure shall be eligible if they:

- (a) Meet the academic requirements of Nat 303.02;

(b) Possess a good moral and professional reputation as evidenced by:

- (1) The answers to the questions in Nat 302.03(d) and any related documents submitted pursuant to Nat 302.04(f);
- (2) The answers to the questions in Nat 302.03(h)(1)-(4) and Nat 302.03(h)(7) and any related documents submitted pursuant to Nat 302.04(g); and
- (3) The letters required by Nat 302.04(e);

(c) Are physically and mentally fit to practice naturopathic medicine as evidenced by:

- (1) The answers to the questions in Nat 302.03(h)(5) and (6) and any related documents submitted pursuant to Nat 302.04(g); and
- (2) The letters required by Nat 302.04(e); and

(d) Have had no license, certification, or registration to practice naturopathic medicine refused, revoked or suspended by any other state or country for reasons which relate to the applicant's ability to skillfully and safely practice naturopathic medicine.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

Nat 303.02 Academic Requirements. Academic requirements shall be:

(a) Graduation from a naturopathic medical college accredited by the Council on Naturopathic Medical Education or by another naturopathic accrediting agency recognized by the federal government combined with passing the NPLEX examinations; or

(b) Graduation from a naturopathic medical college which:

- (1) Granted degrees prior to 1981; and
- (2) Meets or met the program standards of Nat 303.03

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

Nat 303.03 Program Standards for Naturopathic Medical Colleges Granting Degrees Prior to 1981.

(a) The naturopathic medical college shall:

- (1) Have or have had as its clearly stated major objective the preparation of students to become doctors of naturopathic medicine and to become licensed to practice;
- (2) Have or have had an academic program with the curriculum specified in Nat 303.04 and the clinical program specified in Nat 303.05;
- (3) Require for graduation 4 years of full-time study through the academic and clinical programs; and

(4) Include no long-distance learning or correspondence courses.

(b) For the purpose of interpreting Nat 303.04 and Nat 303.05 as they govern the duration and credit of educational hours, 12 clock hours of study shall equal one quarter credit and the equivalent in semester credits.

Source.#6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

Nat 303.04 Curriculum.

(a) The curriculum shall include:

- (1) A minimum of 1000 clock hours of basic science instruction described in (b) below; and
- (2) A minimum of 1200 clock hours of clinical science instruction described in (c) below.

(b) Basic science instruction shall be a core program requiring each student to demonstrate competence in each of the following substantive content areas:

- (1) Human anatomy;
- (2) Physiology;
- (3) Biochemistry;
- (4) Pathology;
- (5) Pharmacology; and
- (6) Pharmacognosy.

(c) The clinical sciences program shall:

- (1) Prepare students to diagnose the causes of human ailments and treat them using naturopathic medications and methods; and
- (2) Include the following courses:

a. Diagnostic courses including:

1. Physical;
2. Clinical;
3. Laboratory; and
4. Radiological;

b. Therapeutic courses including:

1. Botanical medicine;

2. Homeopathy;
3. Nutrition;
4. Naturopathic physical medicine; and
5. Psychological counseling; and

c. Specialty courses including:

1. Organ systems;
2. Cardiology;
3. Dermatology;
4. Endocrinology;
5. Eyes, ears, nose and throat;
6. Gastroenterology;
7. Orthopedics;
8. Neurology;
9. Gynecology;
10. Natural childbirth;
11. Obstetrics;
12. Pediatrics;
13. Geriatrics;
14. Jurisprudence; and
15. Medical emergencies.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

Nat 303.05 Clinical Program. The clinical program shall give students:

- (a) A minimum of 1000 clock hours of clinical experience in all aspects of naturopathic practice; and
- (b) Primary care responsibility while being supervised by a licensed doctor of naturopathic medicine.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

PART Nat 304 LICENSURE BY RECIPROCITY

Nat 304.01 Licensure on the Basis of Licensure in another State or the District of Columbia. Persons currently licensed as a doctor of naturopathic medicine or as a naturopathic physician in any other state or the District of Columbia shall be eligible to be licensed by reciprocity if:

- (a) They meet the requirements of Nat 303 with the exception of the requirement to pass the NPLEX examinations; and
- (b) Their jurisdiction of licensure required at the time of their licensure that they pass examinations substantially equivalent, under the standards set forth in Nat 304.02, to the NPLEX examinations.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

Nat. 304.02 Substantial Equivalence to NPLEX Examinations. In order for an examination to be substantially equivalent to NPLEX examinations the examination shall:

- (a) Be the examination required by the regulatory authority issuing the license furnishing the basis for licensure by reciprocity;
- (b) Be written and at least 3 hours in duration; and
- (c) Cover the naturopathic topics set forth in Nat 303.04(b) and (c).

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

Nat 304.03 Application Procedure. The application procedure for licensure by reciprocity shall be that set forth in Nat 302, except that:

- (a) Applicants shall not be required to arrange for the submission of NPLEX scores; and
- (b) Applicants shall submit, or arrange for the submission of, the following supporting materials in addition to those specified in Nat 302.04:
 - (1) A photocopy of the applicant's current license or other document authorizing the practice of naturopathic medicine; and
 - (2) An original signed letter:
 - a. Sent directly to the board by the authority issuing the applicant's current license or other document of authorization to practice;
 - b. Confirming the current validity of the applicant's license or other authorization to practice naturopathic medicine; and
 - b. Stating that the applicant is in good standing and that there is pending against the applicant neither a complaint of misconduct nor a disciplinary action.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

PART Nat 305 SPECIALTY CERTIFICATION IN ACUPUNCTURE

Nat 305.01 Requirements for Acupuncture Specialty Certification.

- (a) A doctor of naturopathic medicine shall not practice acupuncture without first requesting in writing and receiving from the board a certificate of specialty practice in acupuncture.
- (b) To be certified an applicant shall:
 - (1) Meet the eligibility requirements of Nat 305.02;
 - (2) Submit to the board official transcripts of courses taken to fulfill the requirements of Nat 305.02(a)(1); and
 - (3) Arrange for direct transmission to the board of the applicant's scores on the NPLEX acupuncture examination.

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New. #8374, eff 6-18-05

Nat 305.02 Eligibility for Specialty Certification in Acupuncture.

- (a) To be eligible for certification in acupuncture applicants shall:
 - (1) Take at least 500 hours of acupuncture training through courses:
 - a. In acupuncture or oriental medical theory;
 - b. Consisting of either academics or clinical training; and
 - c. Given by institutions accredited by CNME or ACAOM; and
 - (2) Pass the NPLEX acupuncture examination.
- (b) The following trainings in acupuncture shall, if complying with (a)(1) above, be credited towards the 500 hours of required training:
 - (1) Training taken in the course of the applicant's qualification to take the NPLEX acupuncture examination;
 - (2) Training taken in preparation for licensure in any jurisdiction as a doctor of naturopathic medicine; and
 - (3) Training taken in preparation for licensure in any jurisdiction as an acupuncturist

Source. #6380, eff 11-26-96, EXPIRED: 11-26-04

New.

PART Nat 306 SPECIALTY CERTIFICATION IN NATUROPATHIC CHILDBIRTH

Nat 306.01 Definitions.

(a) "American College of Naturopathic Obstetricians (ACNO)" means a non-profit sponsor of an examination to establish competence in the practices of midwifery and of naturopathic childbirth.

(b) "Naturopathic childbirth" means "naturopathic childbirth" as defined in RSA 328-E:2, VII, namely, "natural childbirth which includes the use of natural obstetrical medicines, ophthalmic antibiotics, obstetrical emergency medicines and minor surgery including episiotomies, but which does not include the use of forceps delivery, general or spinal anesthesia, cesarean section, or induced abortions."

(c) "Preceptor" means any of the following practitioners when currently authorized to practice in any United States jurisdiction:

- (1) A naturopathic doctor with specialty training in obstetrics or natural childbirth;
- (2) A medical doctor with specialty training in obstetrics or natural childbirth; and
- (3) An osteopathic doctor with specialty training in obstetrics or natural childbirth.

(d) "Preceptorship" means supervision and guidance by a preceptor in accordance with the requirements of Nat 306.06.

Nat 306.02 Certification In Naturopathic Childbirth.

(a) A doctor of naturopathic medicine shall not practice naturopathic childbirth without first requesting in writing and receiving from the board a certificate of specialty practice in naturopathic childbirth.

(b) Such certificate:

- (1) Shall not be required to be renewed;
- (2) Shall be suspended when the holder's license to practice as a doctor of naturopathic medicine is suspended; and
- (3) Shall be revoked when the holder's license to practice as a doctor of naturopathic medicine is revoked.

(c) To receive a certificate of specialty practice in naturopathic childbirth an applicant shall:

- (1) Meet the eligibility requirements of Nat 306.03;
- (2) Submit to the board a letter requesting a certificate; and
- (3) Arrange for the direct transmission to the board of the applicant's scores on the childbirth examination sponsored by ACNO.

Nat 306.03 Eligibility for Certification in Naturopathic Childbirth. To be eligible for certification in naturopathic childbirth an applicant shall:

(a) Be currently licensed in New Hampshire as a doctor of naturopathic medicine;

(b) Be trained for at least 100 hours through a combination of:

- (1) Didactic training meeting the requirements of Nat 306.04; and

(2) Clinical training meeting the requirements of Nat 306.05; and

(c) Have passed the childbirth examination sponsored by ACNO.

Nat 306.04 Didactic Training. The required didactic training shall be that required by any United States jurisdiction for authorization to practice:

(a) Naturopathic obstetrics;

(b) Nurse midwifery; or

(c) Traditional midwifery.

Nat 306.05 Clinical Training.

(a) The required clinical training shall be the observation and management of at least 40 births, carried out under one or more preceptorships meeting the requirements of Nat 306.06.

(b) Both the observation and the management of births shall include:

(1) The initial interview and physical examination of the mother;

(2) Prenatal care;

(3) Labor;

(4) Delivery;

(5) Postnatal care of the mother and newborn; and

(6) The keeping of records related to the activities and events listed in (1) through (5) above.

Nat 306.06 Preceptorship. Preceptorship shall include the following activities by the preceptor:

(a) Individualized instruction;

(b) Close direct supervision; and

(c) Ongoing evaluation of the applicant's work.

PART Nat 307 FEES

Nat 307.01 Fees for Initial Licensure and Renewal of License.

(a) The initial license fee shall be \$450.00.

(b) The renewal license fee shall be \$400.00.

(c) Payment of fees shall be by check or money order made payable to "Treasurer, State of New Hampshire".

CHAPTER Nat 400 CONTINUED STATUS

PART Nat 401 DEFINITIONS

Nat 401.01 Meanings of Terms. The following terms shall have the following meanings:

(a) "American College of Naturopathic Obstetricians (ACNO)" means a national professional organization which sponsors an examination for certification of naturopathic obstetricians; and

(b) "National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM)" means a non-profit organization with the mission to establish, assess, and promote recognized standards of competence and safety in acupuncture and oriental medicine.

PART Nat 402 RENEWAL

Nat 402.01 Biennial Renewal.

(a) Licensees shall renew their licenses to practice naturopathic medicine biennially.

(b) Licensees wishing to renew their licenses to practice naturopathic medicine shall do so by submitting renewal application materials as follows:

(1) A completed renewal application form as described in Nat 402.05;

(2) The supporting materials specified by Nat 402.06; and

(3) The renewal fee specified by Nat 307.01(b).

(c) The completed renewal application form and the supporting materials shall be submitted no earlier than 75 days and no later than 30 days before the expiration date of the license being renewed.

(d) The licenses of those who submit their application materials within the time period set forth in (c) above shall not lapse until the board has taken action on their renewal.

(e) The licenses of those who do not submit their application materials within the time period set forth in (c) above shall lapse on the license expiration dates. Holders of such lapsed licenses shall not practice naturopathic medicine until their licenses have been reinstated by the board.

Nat 402.02 Processing of Applications.

(a) If the board, for the purpose of determining applicants' qualifications for renewal licensure, requires any information, materials or documents additional to those first submitted it shall:

(1) So notify the renewal applicants by certified mail within 10 days of receipt of the renewal application; and

(2) Specify the information and materials which the renewal applicants are required to submit.

(b) If the renewal applicants do not submit the requested additional information and materials within 10 days of receipt of the request:

- (1) Their renewal applications shall be denied; and
- (2) They shall have the option to apply for initial licensure pursuant to Nat 300.

(c) Within 30 days of the date that the board has timely received the materials specified by Nat 402.01(b) and any information, materials and documents requested pursuant to (a) above the board shall:

- (1) Renew the applicants' licenses;
- (2) Renew their licenses on condition pursuant to Nat 402.03(b); or
- (3) Notify the applicants by certified mail of the board's intent to deny their applications for license renewal.

Nat 402.03 Renewal of Licenses and Renewal of Licenses on Condition.

(a) The board shall renew the licenses of renewal applicants who:

- (1) Have met the procedural requirements for renewal;
- (2) Are not subject to denial pursuant to Nat 402.04; and
- (3) Have completed at the time of submitting their completed renewal packets all of the continuing education to be completed during their 3-year continuing education cycles.

(b) The board shall renew on condition the licenses of renewal applicants who:

- (1) Have met the procedural requirements for renewal;
- (2) Are not subject to denial pursuant to Nat 402.04; and
- (3) Submit individualized continuing education report forms showing continuing education still to be completed during their 3-year continuing education cycles.

(c) The condition placed on the renewal licenses of applicants who still need to complete continuing education at the time of renewal shall be that the education requirements set forth in Nat 405 be completed within the time period set forth in Nat 402.07(a).

(d) When individuals whose licenses have been renewed on condition report and document the timely completion of continuing education requirements, the board shall notify them that the condition on their licenses has been met.

(e) If such individuals fail to report and document the timely completion of continuing education requirements even though they have completed the requirements, the board shall, after notice and opportunity for a hearing, suspend the licenses which were renewed on condition.

Nat 402.04 Denial of Licensure Renewal.

(a) The board shall give notice of its intent to deny the applications for licensure renewal submitted by applicants who:

- (1) Do not possess a good moral and professional reputation as evidenced by the answers to the questions in Nat 402.05(e) and Nat 402.05(i)(1)-(4) and any related documents submitted pursuant to Nat 402.06(a) and (b);

(2) Are physically or mentally unfit to practice naturopathic medicine, as evidenced by the answers to the questions in Nat 402.05(i)(5) and (6) and any related documents submitted pursuant to Nat 402.06(b);

(3) Have had a license, certification or registration to practice naturopathic medicine refused, revoked or suspended and not reinstated by any other state or country for reasons which relate to the applicant's ability to skillfully and safely practice naturopathic medicine; or

(4) Have not complied with the continuing education requirements of Nat 405.02.

(b) Applicants may challenge the board's intended denial of renewal of licensure through a hearing if they make a written request for a hearing within 30 days of the date of receipt of the board's notice of intent.

(c) If applicants do not challenge the board's intended denial or are unsuccessful in their challenge, the board shall:

(1) Not renew their licenses; and

(2) Revoke any previously issued specialty certifications in acupuncture and naturopathic childbirth.

Nat 402.05 Two-Part Application Form.

(a) Applicants for renewal of licensure shall complete, sign and date a 2-part renewal application form provided by the board.

(b) The information entered on both parts of the renewal application form shall be typewritten or legibly printed in ink.

(c) Renewal applicants shall complete the renewal application form by completing in writing or by check mark, as applicable.

(d) On the first part of the application form renewal applicants shall provide the following information:

(1) First name, middle initial and last name;

(2) Business or other mailing address by name of business, if any, street number and name, city or town, state and zip code; and

(3) Business telephone number, if any.

(e) Also on the first part of the renewal application form applicants shall indicate, using the "yes" and "no" boxes provided:

(1) Whether, since the issuance of the license being renewed, they have been refused a professional license or other authorization to practice naturopathic medicine by a regulatory body of any state, country or other regulatory jurisdiction;

(2) Whether, since the issuance of the license being renewed, they have had a professional license or other authorization to practice naturopathic medicine revoked or suspended by a regulatory body of any state, country or other regulatory jurisdiction;

- (3) Whether, since the issuance of the license being renewed, they have had disciplinary action other than action reportable under paragraphs (1) and (2) taken against them by any state, country or other regulatory jurisdiction;
- (4) Whether, since the issuance of the license being renewed, they have entered into a settlement agreement or consent decree to resolve a complaint of misconduct or a disciplinary charge;
- (5) Whether, since the issuance of the license being renewed, any of their professional licenses have been the subject of a disciplinary proceeding, settlement agreement or consent decree undertaken or issued by any professional licensing authority in any jurisdiction;
- (6) Whether, since the issuance of the license being renewed, any disciplinary action has been taken against them by any hospital or other health care facility, or international, national, state or local professional association;
- (7) Whether, since the issuance of the license being renewed, any malpractice claim or a malpractice law suit has been brought against them;
- (8) Whether, since the issuance of the license being renewed, certification by NCCAOM or ACNO has been suspended or revoked; and
- (9) Whether, since the issuance of the license being renewed, they have been convicted of a felony or a misdemeanor.

(f) Renewal applicants shall sign and date the first part of the renewal application form below the following statement preprinted on the form:

“(1) The information provided on both parts of the renewal application form and the documentation provided to support the renewal application are true, accurate, complete and unaltered; and

(2) The renewal applicant acknowledges that, pursuant to RSA 641:3, the knowing making of a false statement on the renewal application form is punishable as a misdemeanor.”

(g) A renewal applicant's signature as set forth in (f) above shall constitute the renewal applicant's acknowledgement of his or her understanding that any untrue, inaccurate, incomplete or altered information made knowingly on either part of the renewal application form or included in the supporting materials is grounds for punishment pursuant to RSA 641:3.

(h) On the second part of the renewal application form, renewal applicants shall provide:

- (1) Their home addresses by street number and name, city or town, state and zip code; and
- (2) Their home telephone numbers.

(i) On the second part of the renewal application form renewal applicants shall indicate, using the “yes” and “no” boxes provided, whether:

- (1) They are now being or anticipate being investigated for possible misconduct by a regulatory body of any state or country or other regulatory jurisdiction;
- (2) They anticipate that any of their professional licenses soon will be the subject of a disciplinary proceeding, settlement agreement or consent decree undertaken or issued by any professional licensing authority in any jurisdiction;

(3) Since the issuance of the license being renewed, they have voluntarily surrendered a license or other authorization to practice naturopathic medicine, or allowed such a license or authorization to lapse, to avoid disciplinary investigation or action;

(4) Since the issuance of the license being renewed, they have been investigated for possible misconduct by a hospital or other health care facility, or international, national, state or local professional association;

(5) Since the issuance of the license being renewed, they have developed any physical, mental, addictive or other condition that negatively affects their ability to practice naturopathic medicine; and

(6) Since the issuance of the license being renewed, they have developed any physical, mental, addictive or other condition for which continuing remedial or therapeutic action is required to ensure their continuing ability to practice naturopathic medicine.

Nat 402.06 Supporting Materials. Renewal applicants shall submit the following supporting materials:

(a) If any responses to the questions set forth in Nat 402.05(e) are affirmative, a complete and detailed written statement of the circumstances;

(b) If any responses to the questions set forth in Nat 402.05(i) are affirmative, a complete and detailed statement of the circumstances, written on a sheet of paper separate from the sheet of paper used for the statement required by (a) above;

(c) The individualized continuing education report described in Nat 401.08;

(d) As attachments to the individualized continuing education report, photocopies of transcripts or certificates of attendance complying with Nat 402.07(d) documenting any continuing education completed since the licensee last submitted information about continuing education on the individualized continuing education report; and

(e) If not previously supplied to the board, the applicant's social security number written on a separate sheet of paper which is:

(1) Provided by the board; and

(2) Includes the following preprinted notice:

"Information About The Request for Your Social Security Number

The Naturopathic Board of Examiners is required by law to ask for your social security number. The number will be held confidential by the Board and used only for enforcement of the laws governing child support pursuant to RSA 161-B:11."

Nat 402.07 Three-year Cycle for the Completion of Continuing Education and Reporting Continuing Education.

(a) Pursuant to RSA 328-E:13, II, applicants for renewal licensure shall complete the continuing education described in Nat 405 during every 3-year cycle beginning with the issuance date of the first license issued to them by the board.

(b) Continuing education completed since initial licensure shall be reported in a cumulative fashion on the individualized continuing education report form described in Nat 402.08.

(c) Whenever a licensee submits a renewal packet, the licensee shall include in the packet the licensee's individualized continuing education report form updated with information about the continuing education taken since the licensee last submitted such information.

(d) Whenever a licensee submits a renewal packet, the continuing education being reported for the first time on the individualized continuing education report form shall be documented by the following attachments:

(1) A photocopy of a transcript showing the course(s) taken and the credit hours assigned; or

(2) A photocopy of a certificate of attendance or similar document showing:

a. The name of the applicant;

b. The name of the course if descriptive of the course contents, or other description of the course;

c. The beginning and ending dates of the course;

d. The credit hours assigned; and

e. The signature of the course instructor or a representative of the course provider.

Nat 402.08 Individualized Continuing Education Report.

(a) The board shall provide 3 individualized continuing education report forms as follows:

(1) Form A for reporting completed continuing education hours excluding hours in:

a. Pharmacology;

b. Pharmacognosy;

c. Acupuncture; and

d. Naturopathic childbirth;

(2) Form B for reporting completed continuing education hours in pharmacology and pharmacognosy; and

(3) Form C for reporting completed continuing education hours in naturopathic childbirth and acupuncture;

(b) On each of the forms described in (a) above shall be displayed all the continuing education hours previously reported by the renewal applicant back to the time of initial licensure.

(c) On each of the forms described in (a) above the renewal applicant shall add to the record of completed continuing education displayed on the form any continuing education that the renewal applicant has completed since the applicant last updated the form.

(d) The information about the continuing education the renewal applicant has completed since last updating the form shall be:

(1) The name of the course;

- (2) The location of the course;
- (3) The presenter or sponsor of the course;
- (4) The beginning and ending dates of the course;
- (5) The credit hours attributable to the course; and
- (6) The total number of credit hours being reported at the time the form is completed.

(d) The renewal applicant shall sign and date each form next to the following preprinted statement:

"I certify that the above information is true and accurate and I understand that this account of completed continuing education is available to the Board of Naturopathic Examiners."

Nat 402.09 Effect of Signature. The effect of the renewal applicant's signature written in accordance with Nat 402.08(d) shall be:

- (a) The renewal applicant's certification that the information on the signed form is true and accurate; and
- (b) The renewal applicant's acknowledgement that the information on the signed form is available to the board.

PART Nat 403 REINSTATEMENT OF LICENSES

Nat 403.01 Reinstatement of Lapsed Licenses.

(a) The board shall, after a minimum period of 90 days, reinstate licenses lapsed pursuant to Nat 402.01(f) if:

- (1) The licensee submits the renewal application materials required to be submitted by Nat 402.01(b);
- (2) The licensee is not subject to license denial pursuant to Nat 402.04; and
- (3) The licensee has met the requirements of either Nat 402.03(a)(3) or Nat 402.03(b)(3).

(b) Individuals whose licenses have lapsed pursuant to Nat 402.01(f) shall not practice naturopathic medicine until the board has reinstated their licenses.

Nat 403.02 Reinstatement of Licenses Suspended for Failure to Report or Failure to Document Timely Completion of Continuing Education Requirements.

(a) The board shall reinstate licenses suspended pursuant to Nat 402.03(e) at its first regularly scheduled meeting following the date that the office of the board has received:

- (1) A letter from the individual wishing reinstatement of license stating that all continuing education requirements have been timely met; and
- (2) Documentation of that fact made in accordance with Nat 402.07(d)(1) and (2).

(b) Individuals whose licenses have been suspended pursuant to Nat 402.03(e) shall not practice naturopathic medicine until the board has reinstated their licenses.

Nat 403.03 No Reinstatement of Licenses Refused Renewal Pursuant to Nat 402.04(a)(1), (a)(2) or (a)(3).

(a) The board shall not reinstate the licenses of individuals who have, after notice and an opportunity to be heard, been denied licensure renewal for any of the reasons stated in Nat 402.04(a)(1), (a)(2) or (a)(3).

(b) Such individuals shall have the option to apply at any time for a new license in accordance with the requirements of Nat 300.

(c) Such individuals shall not practice naturopathic medicine pending the issuance of a new license by the board.

Nat 403.04 Reinstatement of Licenses Refused Renewal Pursuant to Nat 402.04(a)(4).

(a) The board shall reinstate the licenses of individuals whose licenses were refused renewal pursuant to Nat 402.04(a)(4) if such individuals:

- (1) Are not subject to license denial pursuant to Nat 402.04(a)(1), (a)(2) or a(3);
- (2) Complete their outstanding continuing education obligation(s) within the applicable time period set forth in (b) below;
- (3) Meet the application requirements set forth in (c) below; and
- (4) Do not practice naturopathic medicine until the board has reinstated their licenses.

(b) Outstanding continuing education obligations(s) shall be completed:

- (1) Within 180 days of the board's refusal to renew licensure; or
- (2) After such deadline if the reinstatement applicant was unable both to practice naturopathic medicine and to complete his or her continuing education for at least 180 days as a result of:
 - a. His or her disability, disease or severe illness;
 - b. The death, disability, disease or severe illness of the reinstatement applicant's natural or adoptive mother, father, sister or brother;
 - c. The death, disability, disease or severe illness of the reinstatement applicant's guardian or foster parent;
 - d. The death, disability, disease or severe illness of the reinstatement applicant's legal ward or foster child; or
 - e. Other circumstances beyond his or her control which prevented him or her from practicing naturopathic medicine and meeting outstanding continuing education requirements.

(c) Reinstatement applicants shall submit to the board a letter that:

- (1) Requests licensure reinstatement;
- (2) States that his or her outstanding continuing education obligations were completed:

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a. Within 180 days of the board's refusal to renew licensure; or

b. Later than 180 days of the board's refusal to renew licensure because of one of the reasons listed in (b)(2) above; and

(3) Contains documentation in accordance with Nat 402.07(d)(1) and (2) of completion of the required continuing education.

PART Nat 404 REVOCATION, SUSPENSION AND OTHER SANCTIONS

Nat 404.01 Misconduct. Misconduct shall be:

(a) Practicing, or offering to practice, beyond the scope of practice set forth in RSA 328-E:4;

(b) Violation of the formulary determined by the council on doctors of naturopathic medicine formulary pursuant to RSA 328-E:16, III;

(c) Violation of RSA 328-E:14, I, in one of the following ways:

(1) Advertising oneself, or in any way holding oneself out, as qualified to practice naturopathic medicine or practicing naturopathic medicine, without being currently licensed by the board;

(2) Advertising oneself, or holding oneself out, as qualified to practice naturopathic medicine or practicing naturopathic medicine after receiving notice that the license to do so has been revoked; or

(3) Advertising or calling oneself, or allowing oneself to be advertised or called, a physician or doctor, other than in the following manner:

a. Doctor (name), naturopath;

b. (Name), doctor of naturopathy;

c. (Name), naturopathic doctor; or

d. (Name), doctor of naturopathic medicine;

(d) The knowing provision of false information, or knowing failure to disclose a material fact, in the course of applying for initial, renewal or other licensure by any healthcare regulatory board in any jurisdiction;

(e) The habitual use of intoxicants or the use of illegal substances;

(f) Practicing naturopathic medicine when afflicted with a psychiatric disorder, a disease or a disability that makes practicing naturopathic medicine dangerous to public health or safety;

(g) Gross or repeated negligence in practicing:

(1) Naturopathic medicine;

(2) Naturopathic acupuncture under certification pursuant to Nat 305; or

(3) Naturopathic childbirth under certification pursuant to Nat 306;

(h) Intentionally injuring a patient while practicing:

- (1) Naturopathic medicine;
- (2) Naturopathic acupuncture under certification pursuant to Nat 305; or
- (3) Naturopathic childbirth under certification pursuant to Nat 306;

(i) Employing an unlicensed person to practice any healthcare profession which requires licensing for the practice to be lawful;

(j) Knowingly allowing the unlicensed practice within the licensee's office of any healthcare profession which requires licensing for the practice to be lawful;

(k) Willful or repeated violation of any rule of the board;

(l) Falsification of patient records, insurance reports or public health records;

(m) Failure to cooperate with an investigation conducted by the board;

(n) Abuse of patients, including:

- (1) Psychological abuse;
- (2) Physical abuse; and
- (3) Sexual activity with, or sexually suggestive actions directed towards, any patient who is not the spouse or significant other of the licensee;

(o) Threatening to engage in behavior described in (n) above;

(p) Engaging in false, misleading or deceptive advertising;

(q) Disciplinary action by any other domestic or foreign jurisdiction against that jurisdiction's authorization to practice naturopathic medicine, if the conduct calling for the disciplinary action would, if committed in this state, constitute misconduct;

(r) Surrender by the licensee of his or her license or other authorization to practice naturopathic medicine in any other domestic or foreign jurisdiction, if the purpose of the surrender is the avoidance of disciplinary action described in (s) above;

(s) Denial of a license or other authorization to practice naturopathic medicine by any other domestic or foreign jurisdiction, if the denial is based on conduct which would, if committed in this state, constitute misconduct; and

(t) Accepting or performing professional responsibilities which the licensee knows, or has reason to know, he or she is not competent to perform.

Nat 404.02 Sanctions. Disciplinary measures available to the board to sanction misconduct shall be:

- (a) Revocation of license or specialty certification;
- (b) A limitation placed on the license or specialty certification, including:

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- (1) Prohibition on the use of specified substances listed in the formulary;
- (2) Restriction on the mode of delivery of specified substances listed in the formulary;
- (3) Prohibition on treating patients:
 - a. Between birth and age 18;
 - b. Aged 70 or older; or
 - c. Of any other class which can be objectively described;
- (4) The requirement that the licensee shall practice for a specified period of time under the supervision of:
 - a. Another licensee without a specialty certification if the sanctioned licensee is without a specialty certification; or
 - b. Another licensee certified in the same specialty as the sanctioned licensee if such licensee is certified in a specialty; and
- (5) Any other limitation designed to remediate or to take into account the deficiency or condition in the licensee which appears to have caused the misconduct;

(c) Suspension of the license or specialty certification for no longer than one year, including suspension conditioned on:

- (1) Participation in a specified mental or physical health treatment program;
- (2) The successful completion of a specified rehabilitative program;
- (3) Completion of a specified period of counseling;
- (4) The successful completion of a specified professional assistance program; or
- (5) Participation any other specified program designed to overcome the deficiency or condition in the licensee which appears to have caused the misconduct, and

(d) Denial of renewal or reinstatement of license or specialty certification.

Nat 404.03 Procedure for Imposition of Sanctions. Other than immediate license suspension authorized by RSA 541-A:30, III, the board shall impose disciplinary sanctions only:

- (a) After prior notice to the licensee in accordance with Nat 208.01 and opportunity for the licensee to be heard; or
- (b) By agreement in a settlement between the board and the licensee made pursuant to Nat 213.

Nat 404.04 Revocation of License.

- (a) Pursuant to RSA 328-E:14, I, the board shall revoke a license when the licensee has been convicted of a misdemeanor for any statutory violations described in Nat 404.01(c).
- (b) The board shall revoke a license when the revocation is agreed upon by the board and the licensee in a settlement made pursuant to Nat 213.

Nat 404.05 Determinations Required for Sanctions.

(a) In instances of misconduct other than those described in Nat 404.04, the board shall engage in the following process to determine which sanction or combination of sanctions to impose:

- (1) First determine the nature of the act or omission constituting the misconduct done by the licensee;
- (2) Next determine whether the misconduct has one or more of the characteristics listed in (b) below; and
- (3) Finally, apply the standards in (c) below.

(b) The characteristics shall be:

- (1) The misconduct actually caused physical or mental harm to the patient or another person;
- (2) The misconduct had the potential to cause physical or mental harm to the patient or another person;
- (3) The misconduct repeated earlier misconduct done by the licensee, as determined by:
 - a. An earlier hearing;
 - b. An earlier settlement agreement predicated on the same misconduct; or
 - c. An admission by the licensee;
- (4) The misconduct was not the first misconduct by the licensee, as determined by:
 - a. An earlier hearing;
 - b. An earlier settlement agreement predicated on misconduct; or
 - c. An admission by the licensee; and
- (5) The misconduct was intentional rather than the result of negligence or inadvertence.

(c) The board shall select appropriate sanction(s):

- (1) From the list in Nat 404.02; and
- (2) By choosing, in light of the characteristics determined in the step described in (a)(2) above, the sanction most likely to:
 - a. Protect public health and safety;
 - b. Prevent future misconduct by the licensee;
 - c. Take into account any acknowledgement of fault by the licensee and any cooperation by the licensee with the board's investigation of misconduct;
 - d. Correct any attitudinal, educational or other deficiencies which led to the licensee's misconduct;

e. Encourage the responsible practice of naturopathic medicine, naturopathic childbirth and naturopathic acupuncture, as applicable; and

f. Demonstrate to the licensee and the public the board's intention to insure that its licensees practice in accordance with applicable law and the public welfare.

PART Nat 405 CONTINUING EDUCATION

Nat 405.01 Definitions. The following terms shall have the following meanings:

(a) "Accreditation Council for Continuing Medical Education (ACCME)" means a non-profit organization with the mission to identify, develop and promote standards for quality continuing medical education through the accreditation of providers of continuing medical education for physicians and related professionals and through the authorization of such accreditation by designated state and territorial member societies;

(b) "Association of Specialized and Professional Accreditors (ASPA)" means a nationwide association of specialized and professional accrediting organizations which acts as a forum for such accrediting organizations and advances their knowledge, skills, good practices and ethical commitments;

(c) "Ayurvedic medicine" means the complementary and alternative system of medicine practiced primarily in the Indian subcontinent for 5,000 years, including dietary advice, herbal remedies and yoga;

(d) "Credit hour" means 50 minutes of active teaching;

(e) "Pharmacognosy" means the subfield of pharmacology which studies natural drugs, including their biological and chemical components, botanical sources and other characteristics[.];

(f) "Tai chi" means a form of meditative exercise using methodically slow circular stretching movements and positions of body balance;

(g) "Traditional Chinese medicine" means the complementary and alternative system of medicine used in east asian cultures, including acupuncture, dietary advice, herbal medicine, qi gong, and tai chi; and

(h) "Qi gong" means a component of traditional Chinese medicine combining movement, meditation, and the regulation of breathing to enhance the flow of vital energy in the body, improve blood circulation and enhance immune function.

Nat 405.02 Continuing Education Requirements.

(a) Every 3 years licensees shall complete 45 credit hours of continuing education in accordance with (b), (c) and (d) below.

(b) Of the required 45 credit hours at least 12 shall be credit hours in pharmacology or pharmacognosy.

(c) If licensees hold specialty certificates in naturopathic childbirth or acupuncture, at least 12 of the required 45 credit hours shall be attributable to courses specifically related to the licensees' fields of specialty.

(d) The required 45 credit hours shall be attributable to the courses and types of courses set forth in Nat 405.04.

Nat 405.03 Courses.

(a) The board shall attribute continuing education credit hours to courses:

(1) Designed to add to the previous education of the renewal applicant by focusing on current developments, skills, procedures or treatment in naturopathic medicine;

(2) Sponsored or certified by:

a. A national or state naturopathic medical society; or

b. A college, university or other educational entity described in (b) below; and

(3) Covering one or more of the topics described in (c) below.

(b) For the board to attribute continuing education credit hours to their courses, colleges, universities and other educational entities shall be accredited by:

(1) Members of ASPA;

(2) ACCME; or

(3) One of the following regional accreditors:

a. The Middle States Association of Colleges and Schools;

b. The New England Association of Schools and Colleges;

c. The North Central Association of Colleges and Schools;

d. The Northwest Association of Schools and Colleges;

e. The Southern Association of Colleges and Schools; and

f. The Western Association of Schools and Colleges.

(c) Courses taken for continuing education credit shall cover one or more of the following topics:

(1) Human anatomy;

(2) Physiology;

(3) Biochemistry;

(4) Pathology;

(5) Pharmacology;

(6) Pharmacognosy;

(7) Diagnostic methods;

(8) Botanical medicine;

(9) Homeopathy;

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- (10) Nutrition;
- (11) Naturopathic physical medicine;
- (12) Psychological counseling;
- (13) Organ systems;
- (14) Cardiology;
- (15) Dermatology;
- (16) Endocrinology;
- (17) Eyes, ears, nose and throat;
- (18) Gastroenterology;
- (19) Orthopedics;
- (20) Neurology;
- (21) Gynecology;
- (22) Natural childbirth;
- (23) Obstetrics;
- (24) Pediatrics;
- (25) Geriatrics;
- (26) Medical emergencies;
- (27) Acupuncture;
- (28) Traditional Chinese medicine; and
- (28) Ayurvedic medicine.

PART Nat 406 ONGOING REQUIREMENTS

Nat 406.01 Formulary. The formulary for licensees shall be:

- (a) The New Hampshire Naturopathic Formulary adopted on June 18, 2004 by the council on doctors of naturopathic medicine pursuant to RSA 328-E:16, III; and
- (b) Incorporated in this chapter by reference.

CHAPTER Nat 500 ETHICAL STANDARDS

PART Nat 501 ETHICAL STANDARDS

Nat 501.01 Obligation To Obey. The ethical standards set forth in this part shall bind all licensees, and violation of any such standard shall result in disciplinary standards per Nat 214.

Source. #6380, eff 11-26-96

Nat 501.02 Standards of Conduct. A licensee shall:

(a) Submit only truthful and correct information in any application or other document filed with or statement made to the board;

(b) Inform the board of a principal business address to which all official board communications should be directed, and also of all addresses where he or she is practicing. The establishment of a business address or the change or abandonment of a business address shall be reported to board within 30 days; and

(c) Comply with RSA 328-E:4, RSA 328-E:6, and all the rules in this chapter.

Source. #6380, eff 11-26-96