

WEST VIRGINIA OF ACUPUNCTURE
REGULATORY REVIEW REPORT
DUE NOVEMBER 1, 2018

TITLE 32
PROCEDURAL RULE
BOARD OF ACUPUNCTURE

SERIES 1
MEETINGS OF THE BOARD OF ACUPUNCTURE

This rule contains the provisions for the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings of the board.

Authority - W. Va. Code §30-36-7

According to the records, the rule became effective September 2, 1998

This rule has never been modified.

DETERMINATION: This rule is fine as is and needs no modifications.

REASON: It is a necessary rule in which it provides provisions on scheduling board meetings.

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SERIES 2
RULES FOR DISPENSING OF MATERIA MEDICA
FORMULARY AND LEGEND DRUGS

This rule established the standards of practice for the dispensing of materia medica, formulary and legend drugs by licensed acupuncturists.

Authority - W. Va. Code §30-36-7

According to the records, the rule was withdrawn and failed to pass on April 9, 2005.

This rule was modified on 10/14/04.

DETERMINATION: The rule was withdrawn and did not pass.

REASON: This is included within the practice of acupuncture/oriental medicine depending on the type of education and training a practitioner has obtained. Some practitioners provide acupuncture only. While others, may practice oriental medicine as well as acupuncture.

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SERIES 3
APPLICATIONS FOR LICENSURE TO PRACTICE ACUPUNCTURE

This rule establishes the standards, requirements and qualifications for the practice of acupuncture.

Authority - W. Va. Code §30-36-7

According to the records, the rule became effective on May 21, 1999

This rule has never been modified.

DETERMINATION: The rule will need to be modified to reflect changes to the applicant review process and to remove the oral examination.

REASON: The rule is outdated.

SERIES 3
HOMEOPATHY WITHIN THE SCOPE OF ORIENTAL MEDICINE

This rule established standards for homeopathy. Was initially named under Series 3 prior to establishing application requirements.

The rule was withdrawn on January 8, 1998.

Homeopathy is included within the practice of oriental medicine depending on the type of education and training a practitioner has obtained. Some practitioners provide acupuncture only. While others practice oriental medicine as well as acupuncture.

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SERIES 4
FEES OF THE BOARD OF ACUPUNCTURE

This rule establishes the fees relating to the board.

Authority - W. Va. Code §30-36-7 and 30-36-14 (f) et seq.

According to the records, the rule became effective on May 21, 1999.

This rule has never been modified.

DETERMINATION: The rule is fine as is and needs no modifications at this time.

REASON: It is a necessary rule in relation to the fees that have been established by the board. It is mandated by the legislature that all Chapter 30 professional licensing boards be self-sufficient for funding purposes.

SERIES 4
VENIPUNCTURE AND DIAGNOSTIC TESTING

This rule established standards for venipuncture and diagnostic testing. Was initially named under Series 4 prior to establishing fees for the board.

This rule was withdrawn on January 8, 1998. The language is now included into Series 6 Standards of Practice.

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SERIES 5
ADVERTISING BY LICENSED ACUPUNCTURISTS

This rule establishes standards for the advertising of acupuncture.

Authority - W. Va. Code §30-36-7 and 30-36-14 (f) et seq.

According to the records, the rule became effective on May 21, 1999.

This rule has never been modified.

DETERMINATION: The rule is fine as is and needs no modifications at this time.

REASON: It is a necessary rule whereas, it identifies the various professional titles that can be used by acupuncturists and in advertising.

SERIES 5
POINT PUNCTURE THERAPY

This rule established standards for point puncture therapy. Was initially named under Series 5 prior to establishing advertising by licensed acupuncturists.

The rule was withdrawn on January 8, 1998. The language is now included into Series 6 Standards of Practice.

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SERIES 6
STANDARDS OF PRACTICE
OF ACUPUNCTURE BY LICENSED ACUPUNCTURISTS

This rule establishes standards of practice for acupuncture.

Authority - W. Va. Code §30-36-7

According to the records, the rule became effective on May 21, 1999.

This rule has never been modified.

DETERMINATION: The rule does not need any modifications at this time.

REASON: It is a necessary rule whereas, it identifies the various professional standards of practice performed by acupuncturists.

SERIES 6
ELECTRODIAGNOSIS AND ELECTROACUPUNCTURE

This rule established standards for electrodiagnosis and electroacupuncture. Was initially named under Series 6 prior to establishing standards of practice.

The rule was withdrawn on January 8, 1998. This is a standard method of diagnosis and treatment within the field of acupuncture. A separate rule is not necessary.

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SERIES 7
DISCIPLINARY AND COMPLAINT PROCEDURES FOR ACUPUNCTURISTS

This rule establishes the due process for disciplinary and complaint procedures for the Board.

Authority- W.Va. Code §30-1-8(a) and 30-3-1 et seq.

According to records, this rule became effective on May 21, 1999.

This rule was amended on April 16, 2008.

DETERMINATION: This rule is fine as is and needs no modifications.

REASON: This rule is necessary to provide due process and the rights of licensees.

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SERIES 8
CONTESTED CASE HEARING PROCEDURE

This rule establishes procedures for the adjudication of contested case hearings before the Board.

Authority- W.Va. Code § 30-36-1 et. seq., 30-1-1 et seq. and 29A-5-1 et seq.

According to the records, this rule became effective on September 1, 2007.

This rule has never been modified.

DETERMINATION: No modifications are needed on this rule at this time.

REASON: This is a necessary rule in which it provides procedures for contested hearing cases.

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SERIES 9
CONTINUING EDUCATION REQUIREMENTS

This rule establishes continuing education requirements for renewal of licensure pursuant to W.Va. Code §30-36-14 (d).

Authority- W.Va. Code §30-36-7(a) and 30-36-14(c).

According to records, this rule became effective on May 21, 1999.

This rule has never been modified.

DETERMINATION: The Board would like to consider and possibly reduce the required Continuing Education requirements for license renewal in the near future.

REASON: Forty-eight hours of continuing education every two years is expensive and time consuming for the licensee.

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SERIES 10
CODE OF ETHICS FOR LICENSED ACUPUNCTURISTS

This rule establishes a code of ethics for acupuncture and oriental medicine in this state.

Authority- W.Va. Code §30-36-7 (a) and 30-36-7 (b).

This rule became effective on May 21, 1999.

This rule has never been modified.

DETERMINATION: The rule will need to be modified to correct the acronym for the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine.

REASON: Modification is needed to reflect the name change.

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SERIES 11
EDUCATION REQUIREMENTS

This rule establishes the educational requirements for licensed acupuncture applicants who have graduated from a school or college of acupuncture or oriental medicine.

Authority- W.Va. Code §30-36-7

According to records, this rule became effective on May 21, 1999.

This rule has never been modified.

DETERMINATION: This rule is fine as is and needs no modifications.

REASON: This rule is necessary to protect the public by requiring certain proficiency and professional competency.

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SERIES 12
TUTORIAL EDUCATION REQUIREMENTS

This rule establishes the educational requirements for licensed acupuncture applicants completing a tutorial or apprenticeship program.

Authority- W.Va. Code §30-36-7

According to the records, this rule became effective on May 21, 1999.

This rule has never been modified.

DETERMINATION: This rule is fine as is and needs no modifications.

REASON: This is a necessary rule that provides detailed educational requirements for apprentices to protect the public by requiring proficiency in professional competencies.

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SERIES 13
FORMATION AND APPROVAL OF PROFESSIONAL LIMITED LIABILITY COMPANIES

This legislative rule establishes the procedures for the formation and approval of professional limited liability companies for acupuncturists.

Authority- W.Va. Code §31B-13-1304

According to the records, this rule became effective May 21, 1999.

This rule has never been modified.

DETERMINATION: This rule is fine and needs no modifications.

REASON: It is a necessary rule which establishes procedures for the formation and approval of professional limited liability companies for acupuncturists.