

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Form #5

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Board of Acupuncture TITLE NUMBER: 32

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 03

TITLE OF RULE BEING PROPOSED: Applications for Licensure  
to Practice Acupuncture

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 269

SECTION 64-9-4(a), PASSED ON MARCH 12, 1999

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON

THE FOLLOWING DATE: May 21, 1999

Dr. Darrell E. Samples  
Authorized Signature

\$3.40

**32 CRS 3**

**Title 32  
Legislative Rule  
Board of Acupuncture**

**Series 3  
Applications for Licensure to Practice Acupuncture**

**32-3-1. General**

- 1.1. Scope. -- This rule governs the application process for acupuncture licensure.
- 1.2. Authority. -- W. Va. Code § 30-36-7.
- 1.3. Filing Date. --
- 1.4. Effective Date. --

**32-3-2. Application**

This legislative rule applies to applicants for licensure by the Board.

**32-3-3. Definitions.**

- 3.1. Apprenticeship. -- A supervised course of study or tutorial program between one student and one instructor which is approved by the Board and which when successfully completed enables the applicant to meet the requirements of W. Va. Code § 30-36-10 for licensure as an acupuncturist.
- 3.2. CCAOM. -- The Council of Colleges of Acupuncture and Oriental Medicine
- 3.3. Course of training. -- A systematic course of study in acupuncture at a school or college of acupuncture or oriental medicine which leads to a degree or diploma in acupuncture or oriental medicine.
- 3.4. NACSCAOM. -- The National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine.
- 3.5. NCCA. -- The National Commission for the Certification of Acupuncture or its

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successor organization the National Commission for the Certification of Acupuncture and Oriental Medicine.

**32-3-4. Board approval for licensure.**

- 4.1. The Board shall issue a license to practice acupuncture to an applicant who has submitted the required application form and supporting documentation for the Board Examination of Credentials if the applicant meets the requirements of W. Va. Code § 30-36-1 et seq. and rules promulgated by the Board.
- 4.2. If the Board determines that an applicant has met the requirements for acupuncture licensure, it shall issue to the applicant a license that is valid for a period of two years. The Board, at its discretion, may make a license provisional and may stipulate additional training, clinical experience, or the NCCAOM examination as requirements for licensure.

**32-3-5. Licensure qualifications.**

- 5.1. An applicant for licensure shall:
  - 5.1.1. Be of good moral character;
  - 5.1.2. Be at least eighteen (18) years of age; and
  - 5.1.3. Demonstrate competence in performing acupuncture.
- 5.2. An applicant shall demonstrate his or her good moral character by providing the Board with character references from three persons, each of whom can attest to the applicant's reputation for honesty and credibility. The character references shall include:
  - 5.2.1. Two persons, who are not related to the applicant, and who have known the applicant for the five year period directly preceding application; and
  - 5.2.2. One person who is a licensed acupuncturist or oriental medical doctor, who is not related to the applicant, and who has known the applicant for the three year period directly preceding application.
- 5.3. An applicant for licensure shall demonstrate his or her age to the Board by providing a certified copy of an official governmental document, passport or birth

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certificate which indicates the applicant's date of birth.

- 5.4. An applicant for licensure shall demonstrate his or her competence to perform acupuncture to the Board by providing documentation of training, apprenticeship, qualifying test scores, or licensure in another jurisdiction by submitting with his or her application:
  - 5.4.1. An official transcript from his or her school or college of acupuncture or oriental medicine;
  - 5.4.2. An official transcript from his or her supervising tutor of acupuncture or oriental medicine;
  - 5.4.3. An official transcript from the NCCAOM of his or her qualifying test scores; or
  - 5.4.4. An official copy of the applicants license from the licensing Board of another jurisdiction documenting previous licensure.
- 5.5. Applicants shall attach a current signed passport-size photograph to the application.

#### **32-3-6. Certification of Documentation.**

Documentation submitted by or on behalf of the applicant shall be certified by the appropriate official or by governmental seal of authority, in cases of foreign trained applicants. The Board at its discretion may waive this requirement when it is determined that it cannot be obtained through the exercise of due diligence.

#### **32-3-7. Verification.**

All statements submitted by or on behalf of an applicant shall be made under penalty of false swearing. An applicant or licensee who makes a false statement is subject to disciplinary action including, but not limited to, immediate revocation or suspension of the license.

#### **32-3-8. Translation Required.**

All application documentation submitted in a language other than English shall be accompanied by a translation into English, certified by a translator other than the applicant, who shall attest to the

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accuracy of the translation under penalty of false swearing.

#### **32-3-9 Application Deadline.**

9.1. A new applicant shall submit his or her application for licensure examination on a form provided by the Board, and shall attach all required statements and documents. All applications must be received in the Board's office at least 30 days prior to the date of the Board Examination of Credentials for which the application is made. The Board shall hold an examination of credentials twice per calendar year.

9.2. A renewal applicant shall submit his or her application for renewal licensure on a form provided by the Board, and shall attach all required statements and documents. All applications must be received in the Board's office at least 30 days prior to the date of Board Examination of Credentials for which the renewal application is made.

9.3. All transcripts and supporting documents from qualifying education institutions and tutorial supervisors must be received in the Board's office at least 30 days prior to the date of the Board Examination of Credentials.

9.4. The Board, at its own discretion may waive the foregoing filing dates, if there are difficulties with the administration of the Board Examination of Credentials or other circumstances warrant the waiver.

#### **32-3-10. Review and Processing of Applications.**

10.1. Within a reasonable time after receipt of an application, the Board shall inform the applicant whether the application is complete and accepted for the Board Examination of Credentials or is deficient and what specific information or documentation is required to complete the application.

10.2. Within a reasonable time after receipt of a completed application the Board shall notify the applicant of the date, time and location of his or her oral examination.

10.3. Within a reasonable time after completion of the Board Examination of Credentials and oral examination, the Board shall notify all applicants of their eligibility for licensure and upon payment of the specified fee for licensure found in the Board's Rule, Fees of the Board of Acupuncture, 32 CRS 4.

**32-3-11. Board Examinations of Credentials and Demonstration of Competency**

11.1. Board Examination of Credentials. --The Board shall review each applicant's credential documentation and the application form before it issues a license, pursuant to W. Va. Code § 30-36-12.

11.2. Location. --The Board shall give public notice of the times and locations of where the examination of credentials shall be held .

11.3. Languages. --The Board shall administer examination of credentials in English.

11.4. Content. --The examination of credentials shall consist of both a review of credential documentation and an oral examination. The oral examination shall test and review the applicant's knowledge and competency in the practice of oriental medicine through acupuncture.

11.5. Additional Training.--If the Board determines that an applicant has met the requirements for acupuncture licensure, it shall issue such license for a period of two years. The Board, at its discretion, has the right to make a license provisional and to stipulate additional training, clinical experience, or the NCCAOM examination as requirements for licensure.

**32-3-12. Documentation of Training.**

12.1. Each applicant shall have completed the minimum educational or tutorial requirements set forth in the W. Va. Code § 30-36-10, as documented by the registrar of each school which the applicant attended or from the applicant's tutor, in the case of a tutorial or apprenticeship program.

12.2. All applicants who are graduates of an approved educational program who take the NCCA or NCCAOM examination as part of his or her licensure requirements shall have completed the course work and training set forth in W. Va. Code § 30-36-10.

12.3. All applicants applying for licensure shall meet the minimum educational or tutorial requirements set forth in W. Va. Code § 30-36-1 et seq. by the date of the Board Examination of Credentials for which the application has been made.

**32-3-13. Abandonment of Applications.**



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The Board may deny an application without prejudice when an applicant does not exercise due diligence in the completion of his or her application, in furnishing additional information or documents required, or in the payment of any required fees.

#### **32-3-14. Failure to Appear for Oral Examination-Withdrawal of Application.**

An applicant for Board oral examination, who fails to appear for two oral examinations without a written explanation which is satisfactory to the Board shall have his or her application withdrawn by the Board. If the applicant subsequently decides to reapply for licensure, he or she shall file a new application and pay the full application fee.

#### **32-3-15. Denial of Applications.**

15.1. Any applicant whose application is denied, may submit within thirty (30) calendar days from the date of rejection, a written request that his or her application be presented to the Board for further evaluation at the Board's next regular meeting.

15.2. As part of this evaluation procedure, the Board may, in its discretion, request that the applicant be orally interviewed with respect to his or her qualifications for licensure.

15.3. Nothing in this section shall be constructed to deprive an applicant of his or her rights of appeal as afforded by other provisions of law.

#### **32-3-16. Inactive License.**

16.1. Any acupuncturist who is not actively engaged in the practice of acupuncture desiring an inactive license, W. Va. Code § 30-36-16, or to restore an inactive license to active status shall submit an application to the Board on a form provided by it (Active-Inactive License Application). The applicant need not submit his or her license or a copy of the license to the Board with the application.

16.2. In order to restore an inactive license to active status, the licensee shall complete a minimum of forty-eight (48) hours of approved continuing education within the two (2) years preceding application for return to active status, in compliance with the Board's Rule, Continuing Education Requirements, 32 CRS 9. If the license has been inactive less than one (1) year, a minimum of twenty-four (24) hours of continuing education is required.

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16.3. The inactive status of any licensee shall not deprive the Board of its authority to institute or continue a disciplinary proceeding against a licensee upon any ground provided by law or to enter an order suspending or revoking a license or otherwise holding disciplinary action against the licensee on that ground.

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H. B. 2496

1 Bill-Acupur

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(By Delegates Hunt, Linch, Compton, Faircloth,  
Jenkins and Riggs)

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[Introduced February 1, 1999; referred to the  
Committee on Health and Human Resources then  
the Judiciary.]

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10 A BILL to amend article nine, chapter sixty-four of the  
11 code of West Virginia, one thousand nine hundred  
12 thirty-one, as amended, by adding thereto a new  
13 section, designated section twenty-nine, relating to  
14 authorizing the board of acupuncture to promulgate a  
15 legislative rule relating to applications for  
16 licensure to practice acupuncture.

17 **Be it enacted by the Legislature of West Virginia:**

18 That article nine, chapter sixty-four of the code of  
19 West Virginia, one thousand nine hundred thirty-one, as  
20 amended, be amended by adding thereto a new section,  
21 designated section twenty-nine, to read as follows:

22 **ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND**  
23 **BOARDS TO PROMULGATE LEGISLATIVE RULES.**

1 §64-9-29. Board of acupuncture.

2       The legislative rule filed in the state register on  
3 the third day of August, one thousand nine hundred  
4 ninety-eight, under the authority of section seven, article  
5 thirty-six, chapter thirty, of this code, modified by the  
6 board of acupuncture to meet the objections of the  
7 legislative rule-making review committee and refiled in the  
8 state register on the eighth day of January, one thousand  
9 nine hundred ninety-nine, relating to the board of  
10 acupuncture (applications for licensure to practice  
11 acupuncture, 32 CSR 3), is authorized.

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13       NOTE: The purpose of this bill is to authorize the  
14 Board of Acupuncture to promulgate a legislative rule  
15 relating to Applications for Licensure to Practice  
16 Acupuncture.

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18       This section is new; therefore, strike-throughs and  
19 underscoring have been omitted.