

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV BOARD OF ACUPUNCTURE TITLE NUMBER: 32

RULE TYPE: Legislative; CITE AUTHORITY 30-35-7(a)

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 4

TITLE OF RULE BEING PROPOSED: VENIPUNCTURE AND
DIAGNOSTIC TESTING

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 31, 1997 AT 12:00 NOON

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

WV BOARD OF ACUPUNCTURE
P.O. Box 252
HUNTINGTON WV 25707-0252

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Dr. Darrell E. Samples, Secretary
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WEST VIRGINIA BOARD OF ACUPUNCTURE
(PROPOSED LEGISLATIVE RULE)
VENIPUNCTURE AND DIAGNOSTIC TESTING

This rule expands the scope of practice to include western clinical testing and diagnostic procedures which are used in Oriental Medicine. This rule explains the definition of oriental medical therapies 30-35-2 (a) 5.

WEST VIRGINIA BOARD OF ACUPUNCTURE
(PROPOSED LEGISLATIVE RULE)
VENIPUNCTURE AND DIAGNOSTIC TESTING

The duty of this Board to protect the citizens of West Virginia who choose to receive their medical care from licensed Acupuncture Physicians, 30-35-1.

The duty of licensed Acupuncture Physicians is to provide standard and recognizable diagnostic procedures, both traditional and modern, with which West Virginians are familiar.

It is now common for Schools of Oriental Medicine to include Western (Allopathic) Medicine diagnostic and clinical skills and procedures in the normal training of Acupuncture Physicians, allowing for the integration of eastern and western medicine.

These diagnostic procedures are generally performed by a licensed laboratory technician or licensed medical technologist under the supervision of a physician. This rule would allow the Acupuncture Physician to employ such technologists in addition to performing these duties him/herself.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: VENIPUNCTURE AND DIAGNOSTIC TESTING
 Type of Rule: Legislative Interpretive Procedural
 Agency: WV BOARD OF ACUPUNCTURE
 Address: P.O. Box 252
HUNTINGTON WV 25707-0252
DR. DARRELL E. SAMPLES
304-529-9355

1. Effect of Proposed Rule

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

THERE IS NO EXPENSE INVOLVED IN THIS RULE

3. Objectives of these rules:

TO CLARIFY SCOPE OF PRACTICE

Rule Title: VENIPUNCTURE AND DIAGNOSTIC TESTING

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

NONE

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

NONE

C. Economic Impact on Citizens/Public at Large.

NONE

Date: June 25, 1997

Signature of Agency Head or Authorized Representative

Mr. Darrell E. Samples, Secretary

WEST VIRGINIA BOARD OF ACUPUNCTURE
(PROPOSED LEGISLATIVE RULE)
VENIPUNCTURE AND DIAGNOSTIC TESTING

32-4-1 GENERAL:

1.1 Scope- Venipuncture and Diagnostic testing are within the scope of practice as defined by oriental medical therapies as defined in 30-35-2 (a) 5.

1.2 Authority- 30-35-7 (a)

1.3 Filing date-

1.4 Effective date-

32-4-2 Venipuncture and Diagnostic Testing

2.1 Practitioners licensed by the WVBOA will have the right to order such laboratory diagnostic procedures as is deemed necessary by his/her skill and judgement, required to provide an adequate picture of his/her patients' states of health. These diagnostic tests include but are not limited to, urinalysis, hair analysis, blood chemistry analysis, blood gas analysis, stool analysis, antigen-antibody analysis and radiographic imaging.

2.2 Practitioners licensed by the WVBOA will have the right to perform venipuncture, the drawing of blood samples from a vein for diagnosis purposes, when the practitioner has completed his/her educational training in this procedure.

2.3 Practitioners licensed by the WVAB will have the right to interpret data from diagnostic laboratory procedures within the context of Oriental Medical Theory and Acupuncture practice.