

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

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OFFICE OF WEST VIRGINIA
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**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: W.V. BOARD OF ACUPUNCTURE TITLE NUMBER: 32

CITE AUTHORITY 30-35-7(a)

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 NEW RULE BEING PROPOSED: 32-4

TITLE OF RULE BEING PROPOSED: VENIPUNCTURE AND
DIAGNOSTIC TESTING

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Dr. Darrell F. Samples, Secretary
Authorized Signature

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

Dr. Darrell E. Samples, Secretary

DATE: July 31, 1997

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: W.V. BOARD OF ACUPUNCTURE

LEGISLATIVE RULE TITLE: VENIPUNCTURE AND DIAGNOSTIC TESTING

1. Authorizing statute(s) citation 30-35-7(a)

2. a. Date filed in State Register with Notice of ~~Hearing~~ Public Comment
June 25, 1997

b. What other notice, including advertising, did you give of the hearing?

c. Date of Hearing(s) NA

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.
W.V. State Medical Association
Attached _____ No comments received _____

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)
August 1, 1997

f. Name and phone number(s) of agency person(s) to contact for additional information:

DR. DARRELL E. SAMPLES, SECRETARY

P.O. Box 252

HUNTINGTON WV 25707-0252

304 529-9355

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

NA

b. Date of hearing: NA

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

NA

d. Attach findings and determinations and reasons:

Attached

NA

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.