

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #2

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APR 17 10 28 AM '98

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: BOARD OF ACUPUNCTURE TITLE NUMBER: 32  
RULE TYPE: Legislative; CITE AUTHORITY: CODE §§ 30-36-7  
AMENDMENT TO AN EXISTING RULE: YES \_\_\_ NO X 30-36-14(f)

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

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

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: SERIES 5

TITLE OF RULE BEING PROPOSED: ADVERTISING by LICENSED  
ACUPUNCTURISTS

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 MAY 20, 1998 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.

Darrell F. Samples, MD DMD

Authorized Signature

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

\$2.80

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: ADVERTISING BY LICENSED ACUPUNCTURISTS  
 Type of Rule:  Legislative  Interpretive  Procedural  
 Agency: W.Va Board of Acupuncture  
 Address: P.O. Box 252  
Huntington, WV 25907-025

1. Effect of Proposed Rule N.A.

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

2. Explanation of above estimates:

N.A.

3. Objectives of these rules: to establish rules for advertising.

Rule Title: \_\_\_\_\_

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

*N.A.*

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

*N.A.*

C. Economic Impact on Citizens/Public at Large.

*N.A.*

Date: *April 15, 1998*

Signature of Agency Head or Authorized Representative

*Darrell E. Samples, ND OMO*  
*Secretary*

32 CRS 5

This rule is establishes the standards of advertising for licensed acupuncturists.

This rule is being promulgated pursuant to requirements of Legislative intent found in the Code § 30-36-14 (f).

32 CRS 5  
Title 32  
Legislative Rule  
Board of Acupuncture

Series 5  
Advertising By Licensed Acupuncturists

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**32-5-1. General.**

- 1.1. Scope. --This rule establishes standards for the advertising of acupuncture.
- 1.2. Authority. -- W. Va. Code §§ 30-36-7 and 30-36-14 (f).
- 1.3. Filing Date. --
- 1.4. Effective Date. --

**32-5-2. Application and enforcement.**

This legislative rules applies to all licensed acupuncturists, all student acupuncturists and all apprenticed acupuncturists. The enforcement of these rules is vested with the Board.

**32-5-3. Recognized Titles.**

Academic and professionally granted titles which may be used by acupuncturists practicing in W. Va. include, but are not limited to the following:

- 3.1. L.Ac. and Lic. Ac.-- Licensed Acupuncturist
- 3.2. O.M.D. -- Oriental Medical Doctorate
- 3.3. MSOMed. -- Master of Science in Oriental Medicine
- 3.4. D.Ac. -- Doctor of Acupuncture
- 3.5. C.A. -- Certified Acupuncturist
- 3.6. D.O.M. -- Doctorate of Oriental Medicine

**32-5-4. Advertising.**

4.1. A Board licensed acupuncturist may advertise the provision of any acupuncture services to the public, which are within the scope of practice, authorized by W. Va. Code § 30-36-2. The advertising may not promote the excessive or unnecessary use of the services.

4.2. An individual not licensed by the Board may not hold himself or herself out, advertise, distribute literature, or imply that he or she is an acupuncturist, oriental medical doctor or certified acupuncturist.

**32-5-5 Use of the Title Doctor**

5.1. An acupuncturist may use the title "Doctor" or the abbreviation "Dr." in connection with the practice of acupuncture when he or she possesses an earned doctorate degree from an accredited, approved or authorized educational institution which is in acupuncture, Oriental medicine, a biological science, or is otherwise related to the authorized practice of an acupuncturist. The use of the title "Doctor" or the abbreviation "Dr." by an acupuncturist as authorized in this subsection without further indication of the type of license, certificate or degree which authorizes that use, constitutes unprofessional conduct.

5.2. An acupuncture doctor shall clearly explain to his or her patients, in writing and verbally, that he or she is not a western medical physician, unless he or she has graduated from an accredited school of medicine.