

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

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FILED

MAY 21 11 59 AM '99

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: 05

TITLE OF RULE BEING PROPOSED: Advertising By  
Licensed Acupuncturists

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(c), 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

\$2.40

**32 CRS 5**

**Title 32  
Legislative Rule  
Board of Acupuncture**

**Series 5  
Advertising By Licensed Acupuncturists**

**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 Doctor
- 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 CRS 5

3.7. A.P. -- Acupuncture Physician

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

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.

**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 in acupuncture, Oriental medicine or a biological science. 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 physician licensed to practice medicine or surgery, unless he or she is licensed under W.Va. Code §30-3-1 et seq or W.Va. Codes § 30-14-1 et seq.

867e  
H. B. 2498

32-5

1 Bill-Acu

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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 advertising by licensed  
16 acupuncturists.

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 (advertising by licensed acupuncturists, 32 CSR  
11 5), 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 Advertising by Licensed Acupuncturists.

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