

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

Do Not Mark In this Box

FILED

AUG 3 1 21 PM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: BOARD OF ACUPUNCTURE TITLE NUMBER: 32
CITE AUTHORITY WVa Code §§ 30-36-7(a) and 30-36-7(b)

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: 32 CRS 10

TITLE OF RULE BEING PROPOSED: CODE OF ETHICS FOR
LICENSED ACUPUNCTURISTS

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.

Darrell E. Samples, ND, OMD

Authorized Signature

\$4.40

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period, Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 28, 1998

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Board of Acupuncture
P.O. Box 252
Huntington WU 25707-0252

LEGISLATIVE RULE TITLE: CODE OF ETHICS FOR
LICENSED ACUPUNCTURISTS

1. Authorizing statute(s) citation WVa Code §§
30-36-7(a) and 30-36-7(b)

2. a. Date filed in State Register with Notice of Hearing or
Public Comment Period:
April 15, 1998

b. What other notice, including advertising, did you give
of the hearing?
copies sent to state acupuncture
association and other state boards
and to the Governor

c. Date of Public Hearing(s) or Public Comment Period ended:
May 20, 1998

- d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

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

July 30, 1998

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule: (Please type)

DR Darrell E. SAMPLES, ND, OMD
SECRETARY, BOARD OF ACUPUNCTURE
P.O. BOX 252
HUNTINGTON WV 25707-0252

- g. IF DIFFERENT FROM ITEM 'f', please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

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.

b. Date of hearing or comment period:

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

d. Attach findings and determinations and reasons:

Attached

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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(a)

AMENDMENT TO AN EXISTING RULE: YES ___ NO X 30-36-7(b)

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: SERIES 10

TITLE OF RULE BEING PROPOSED: CODE OF ETHICS for
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
25907-0252

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

Darrell E. Samples, MD, EMD
Authorized Signature

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: CODE OF ETHICS FOR LICENSED ACUPUNCTURISTS

Type of Rule: Legislative Interpretive Procedural

Agency W.Va BOARD OF ACUPUNCTURE

Address P.O. Box 252
HUNTINGTON WV 25707-0252

1. Effect of Proposed Rule NA.

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

2. Explanation of above estimates:

NA

3. Objectives of these rules: to establish the code of ethics for licensed acupuncturists.

Rule Title: CODE OF ETHICS FOR LICENSED ACUPUNCTURISTS

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

NA

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

NA

C. Economic Impact on Citizens/Public at Large.

NA

Date: April 15, 1998

Signature of Agency Head or Authorized Representative

David E. Samples, ND OMD
Secretary

32 CRS 10

This rule establishes a code of ethics for the practice of acupuncture in West Virginia.
This rule establishes the ethics of selling medications in the acupuncturist office.

This rule is being promulgated pursuant to requirements of Legislative intent found in the Code § 30-36-7 (b).

**Title 32
Legislative Rule
Board of Acupuncture**

FILED

AUG 3 1 21 PM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**Series 10
Code of Ethics for Licensed Acupuncturists**

32-10-1. General.

1.1. Scope. -- This rule establishes a code of ethics for acupuncture and oriental medicine in this state.

1.2. Authority. -- W. Va. Code §§ 30-36-7 (a) and 30-36-7 (b).

1.3. Filing Date. --

1.4. Effective Date. --

32-10-2. Application.

This legislative rule applies to all licensed acupuncturists, student acupuncturists and apprenticed acupuncturists in the State.

32-10-3. Code of Ethics

Licensed practitioners shall post the provisions of this section in each acupuncturist office, clinic, or treatment center:

3.1. The Acupuncture Practitioner's primary purpose is to restore, maintain and optimize health in human beings.

3.2. The Acupuncture Practitioner acts to restore, maintain and optimize health by providing individualized care, according to his or her ability and judgment, following the principles of Oriental Medicine.

3.3. The Acupuncture Practitioner shall endeavor to first, do no harm; to provide the most effective health care available with the least risk to his or her patients at all times.

(Primum Non Nocere)

- 3.4. The Acupuncture Practitioner shall recognize, respect and promote the self-healing power of nature inherent in each individual human being. (Vis Medicatrix Naturae)
- 3.5. The Acupuncture Practitioner shall strive to identify and remove the causes of illness, rather than to merely eliminate or suppress symptoms. (Tolle Causum)
- 3.6. The Acupuncture Practitioner shall educate his or her patients, inspire rational hope and encourage self-responsibility for health. (Practitioner as Teacher)
- 3.7. The Acupuncture Practitioner shall treat each person by considering all individual health factors and influences. (Treat the Whole Person)
- 3.8. The Acupuncture Practitioner shall emphasize the condition of health to promote well-being and to prevent disease for the individual, each community and our world. (Health Promotion, the Best Prevention)
- 3.9. The Acupuncture Practitioner shall acknowledge the worth and dignity of every person and therefore, shall not exclude anyone from treatment on the basis of ethnic, racial, gender, or sexual orientation.
- 3.10. The Acupuncture Practitioner shall safeguard the patient's right to privacy and only disclose confidential information when either authorized by the patient or mandated by law.
- 3.11. The Acupuncture Practitioner shall act judiciously to protect the patient and the public when the incompetent or unethical practices by any person adversely affect health care quality and safety.
- 3.12. The Acupuncture Practitioner shall maintain competence in Oriental Medicine and strive for professional excellence through assessment of personal strengths, limitations and effectiveness and by advancement of professional knowledge.
- 3.13. The Acupuncture Practitioner shall conduct his or her practice and professional activities with honesty, integrity and responsibility for individual judgment and actions.
- 3.14. The Acupuncture Practitioner shall strive to participate in professional activities to advance the standards of care, body of knowledge and public awareness of Oriental Medicine.
- 3.15. The Acupuncture Practitioner shall respect all ethical, qualified health care

practitioners and cooperate with other health professions to promote health for individual's, the public and the global community.

3.16. The Acupuncture Practitioner shall strive to exemplify personal well-being, ethical character and trust worthiness as a health care professional.

Section 32-10-4. Ethics regarding the sale of oriental medicines in the office.

4.1. The sale of medications within an acupuncturist's office shall be based on addressing the needs of the patient. The making of profit is always viewed as a secondary consideration. This is an extension of the code of ethics of the state and national associations governing the conduct of acupuncture physicians.

4.2. While the retail selling of medications could be construed as a conflict of interest on the part of the physician; as long as the underlying intention remains the patient's best interest and not to make profit, and no other source for the formulation and quality of the medication that the practitioner feels is adequate exists, this remains a legitimate and viable service.

4.3. Oriental medicines include, but are not limited to:

4.3.1. Herbs, alone and in combinations;

4.3.2. Glandulars;

4.3.3. Minerals;

4.3.4. Vitamins; and

4.3.5. Chinese patent medicines.