

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

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MAY 21 12 56 PM '99

OFFICE OF THE 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: 10

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

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) S13 269

SECTION 64-9-4(g), 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. Slaughter  
Authorized Signature

\$2.60

**32 CRS 10**

**Title 32  
Legislative Rule  
Board of Acupuncture**

**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 and provide the most effective health care available with the least risk to his or her patients at all times.

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(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

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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 which may be prescribed by licensed acupuncturists 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.

4.4. The U. S. Food and Drug Administration rules regarding the sale of over the counter medications, herbs and materia medica shall be observed by licensees.

2052

1 Bill-Acup

H. B. 2502

2

(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 a code of ethics for  
16 licensed 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 (code of ethics for licensed acupuncturists, 32  
11 CSR 10), is authorized.

12

13 NOTE: The purpose of this bill is to authorize the  
14 Board of Acupuncture to promulgate a legislative rule  
15 relating to a Code of Ethics for Licensed Acupuncturists.

16

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