

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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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

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 11

TITLE OF RULE BEING PROPOSED: EDUCATION REQUIREMENTS

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, MD
Authorized Signature

\$4.80

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 31, 1998

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

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

LEGISLATIVE RULE TITLE: EDUCATION REQUIREMENTS

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

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

July 1, 1998

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

copies sent to state acupuncture
association and to state boards
and to the Governor

c. Date of Public Hearing(s) or Public Comment Period ended:

July 31, 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 1, 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)

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

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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 § 30-36-7

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 11

RECEIVED

TITLE OF RULE BEING PROPOSED: EDUCATION REQUIREMENTS

JUL 01 1998

Legislative Rule Making
Review Committee

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 JULY 31, 1998 AT 12:00 pm. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

DR. D. E. SAMPLES
BOARD OF ACUPUNCTURE
P.O. Box 252
HUNTINGTON, WV 25707-0252
(304) 529-4558 (VOICE)
529-9355 office

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

Dr. Darrell E. Samples
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: EDUCATION REQUIREMENTS
 Type of Rule: Legislative Interpretive Procedural
 Agency: BOARD OF ACUPUNCTURE
 Address: P.O. Box 252
HUNTINGTON WV 25707-0252

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 THE EDUCATIONAL REQUIREMENTS FOR LICENSURE

Rule Title: EDUCATION REQUIREMENTS

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: JUNE 30, 1998

Signature of Agency Head or Authorized Representative

Dr. Darrell E. Samples

This rule establishes the educational requirements for applying for licensure to practice acupuncture in West Virginia.

This rule is being promulgated pursuant to requirements of Legislative intent found in the Code § 30-36-1 et seq.

32 CRS 11
Title 32
Legislative Rule
Board of Acupuncture
Series 11
Education Requirements

FILED
AUG 3 1 21 PM '98
OFFICE OF THE SECRETARY OF STATE
OFFICE OF THE SECRETARY OF STATE
OFFICE OF THE SECRETARY OF STATE

32-11-1. General.

1.1. Scope. -- This establishes the educational requirements for licensed acupuncture applicants who have graduated from a school or college of acupuncture or oriental medicine.

1.2. Authority. --W. Va. Code § 30-36-7.

1.3. Filing date. --

1.4. Effective date. --

32-11-2. Application.

This legislative rule applies to applicants for license who have graduated from a school or college of acupuncture or oriental medicine.

32-11-3. Definitions.

3.1. Accredited School or College. --An institution which has received accreditation or is a candidate for accreditation from the national accreditation commission for schools and colleges of acupuncture and oriental medicine (NACSSAOM).

3.2. NACSSAOM. --The national accreditation commission for schools and colleges of acupuncture and oriental medicine or its successor organization as recognized by the US Department of Education.

32-11-4. Criteria for Approval of Acupuncture Training Programs.

4.1. In order to be approved by the Board, pursuant to Code § 30-35-10 (c) 1 B an acupuncture training program shall meet the following course curriculum criteria:

- 4.1.1. General biology, 8 semester hours;
- 4.1.2. Chemistry--including organic and biochemistry, 8 semester hours;
- 4.1.3. General physics--including a general survey of biophysics, 8 semester hours;
- 4.1.4. General psychology-including counseling skills, 8 semester hours;
- 4.1.5. Anatomy--a survey of microscopic, gross anatomy and neuroanatomy, 4 semester hours;
- 4.1.6. Physiology--a survey of basic physiology, including neurophysiology, endocrinology, and neurochemistry, 4 semester hours;
- 4.1.7. Pathology--a survey of the nature of disease and illness, including microbiology, immunology, psychopathology, and epidemiology, 4 semester hours;
- 4.1.8. Nutrition and vitamins, homeopathy and herbology, 4 semester hours;
- 4.1.9. History of medicine--a survey of medical history, including transcultural healing practices, 3 semester hours;
- 4.1.10. Medical terminology-fundamentals of English language medical terminology, 3 semester hours;
- 4.1.11. Clinical sciences-a review of internal medicine. pharmacology, neurology, surgery, obstetrics/gynecology, urology, radiology, nutrition and public health, 8 semester hours;
- 4.1.12. Clinical medicine-a survey of the clinical practice of medicine, osteopathy, dentistry, psychology, nursing, chiropractic, podiatry, and homeopathy to familiarize practitioners with the practices of other health care practitioners, 8 semester hours;
- 4.1.13. Western pharmacology, 8 semester hours;
- 4.1.14. Cardiopulmonary resuscitation (CPR), 8 contact hours;
- 4.1.15. Traditional Oriental medicine-a survey of the theory and practice of traditional diagnostic and therapeutic procedures, 8 semester hours;
- 4.1.16. Acupuncture anatomy and physiology--fundamentals of acupuncture. including the meridian system, special and extra loci, and auriculotherapy, 8 semester hours;
- 4.1.17. Acupuncture techniques--instruction in the use of needling techniques, moxibustion, and electroacupuncture, including precautions (e.g., sterilization of needles), contraindication and complications, 8 semester hours;
- 4.1.18. Acupressure techniques- instruction in the use of manual therapy pressure, 8 semester hours;
- 4.1.19. Breathing techniques--introductory course in Chi Kung, 4 semester hours
- 4.1.20. Traditional Oriental exercise--introductory course in Tai Chi Chuan, 4 semester hours;
- 4.1.21. Traditional Oriental herbology including botany--a portion of the hours shall be given in a clinical setting, 12 semester hours, plus 100 clinical hours
- 4.1.22. Practice management--instruction in the legal and ethical aspects of maintaining a professional practice, including record keeping, professional

liability, patient accounts, and referral procedures, 3 semester hours; and
4.1.23. Ethics relating to the practice of acupuncture, 2 semester hours.

4.2. The curriculum shall include adequate clinical instruction, 75% of which shall be in a clinic which is operated by the training program, which includes direct patient contact where appropriate in the following:

- 4.2.1. Practice Observation--supervised observation of the clinical practice of acupuncture with case presentations and discussions, 50 clinical hours;
- 4.2.2. Diagnosis and evaluation--the application of Eastern and Western diagnostic procedures in evaluating patients, 50 clinical hours; and
- 4.2.3. Supervised practice--the clinical treatment of a patient with acupuncture, 50 clinical hours

During the initial 100 hours of diagnosis evaluation and clinical practice the supervisor shall be physically present at all times during the diagnosis and treatment of the patient. Thereafter, for a second period of 100 hours the supervisor shall be physically present at the needling of the patient.

The supervisor shall otherwise be in close proximity to the location at which the patient is being treated during the clinical instruction. The student shall also consult with the supervisor before and after each treatment.

4.3. The total number of hours of oriental medical theoretical training shall consist of a minimum of eighteen hundred (1,800) hours and the total number of hours of clinical instruction shall consist of a minimum of 300 hours, and the course work shall extend over a minimum period of four (4) academic years or, eight (8) semesters or, twelve (12) quarters or, nine (9) trimesters, or thirty-six (36) months.

4.4. Candidates for admission shall have successfully completed an approved high school course of study or have passed a standard equivalency test.

4.5. The training program shall be located in a W. Va. State university or college, or an institution approved by the Board, or in the case of training programs located outside West Virginia, in an institution which is approved by the appropriate governmental accrediting authority or an accrediting agency recognized by the U.S. Department of Education.

4.6. The training program shall develop an evaluation mechanism to determine the effectiveness of its theoretical and clinical program.

4.7. Course work shall carry academic credit.

4.8. The director of the clinical portion of the training program shall be a licensed acupuncturist or other licensed practitioner authorized to practice acupuncture.

4.9. All instructors shall be competent to teach their designated courses by virtue of their education, training and experience.

4.10. Each approved program shall receive accreditation or approval for schools and colleges by an agency approved by the US Dept. of Education or the approval of the program by the Board shall automatically lapse.

4.11. Each training program in W. Va. shall develop a mechanism to evaluate and award transfer credit to students for prior course work and experience which is equivalent to that course work and clinical instruction required in subsections(b) and (d). The training program's policies and procedures for evaluating and awarding transfer credit shall be set forth in writing and submitted to the Board. Such policies and procedures shall include all of the following:

4.11.1. Credit shall only be awarded for actual course work or directly relevant experience received by the student. As used in this regulation, 'experience' means academically relevant learning which involved the student directly in the area of the curriculum required in this section and includes integrated field and clinical internships, apprenticeships, tutorial programs and cooperative educational programs;

4.11.2. Where the course work and clinical instruction were completed at an acupuncture school not approved by the Board the evaluation shall include an examination administered by the school in the subject area(s) in which transfer credit may be awarded;

4.11.3. The outcome of the prior education and experience shall be equivalent to that of an average student who has completed the same subject(s) in the training program and shall meet the curriculum standards and graduation requirements of the training program;

4.11.4. Transfer credit may be awarded for course work and clinical instruction completed successfully at another acupuncture school or college which is approved by the Board;

4.11.5. Up to 100% transfer credit may be awarded for courses completed successfully in biology, chemistry, physics, psychology, anatomy, physiology, pathology, nutrition and vitamins, history of medicine, medical terminology, clinical science, clinical medicine, Western pharmacology, cardiopulmonary resuscitation, practice management, and ethics at a school which is approved under or by an accrediting agency recognized by the U.S. Department of Education;

4.11.6. Credit for clinical course work and instruction in traditional oriental medicine, acupuncture anatomy and physiology, acupuncture techniques, acupressure, breathing techniques, traditional oriental exercise, or traditional oriental herbology completed successfully at a school which is not approved by the Board may be awarded by a school approved by the Board, provided that at least

50% of the course hours in these subject areas are completed successfully at a school approved by the Board;

4.11.7. The entire record of the training program's evaluation and award of the student's transfer credit shall be included in the student's academic file and shall be made an official part of the student's transcript which shall be filed with the Board upon request of the student;

4.11.8. All students shall receive upon matriculation a copy of the training program's policies and procedures for evaluating and awarding transfer credit.

32-11-5. Documentation Required for Approval.

Educational institutions or programs seeking approval of an acupuncture training program shall provide the Board with such documents and other evidence as may be necessary for the Board to determine the actual nature and extent of the training offered, including but not limited to, catalogues, course description, curricula plans, and study bulletins.

32-11-6. Suspension or Revocation of Approval.

The Board may deny, place on probation, suspend or revoke the approval granted to any acupuncture training program for any failure to comply with the regulations in this article, the Acupuncture Regulations or the Acupuncture Practice Act.

32-11-7. School Monitoring: Records: Reporting.

7.1. Every approved acupuncture school in W. Va. shall be required to submit to the Board within sixty (60) days after the close of the school's fiscal year a current course catalog with a letter outlining the following:

- 7.1.1. Courses added/deleted or significantly changed from the previous year's curriculum;
- 7.1.2. Changes in faculty, administration, or governing body;
- 7.1.3. Major changes in the school facility; and
- 7.1.4. A statement regarding the school's financial condition, which enables the committee to evaluate whether the school has sufficient resources to ensure the capability of the program for enrolled students.

7.2. If determined necessary an on-site visit by representatives of the Board will be made to the school to review and evaluate the status of the school. The school will be required to reimburse the Board for direct costs incurred in conducting such review and evaluation.

7.3. All student records shall be maintained in English.

7.4. Each approved acupuncture school shall report to the Board within 30 days any substantial changes to the facility and/or clinic(s), and curriculum required in this section.