

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

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Dec 16 10 05 AM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: BOARD OF ACUPUNCTURE TITLE NUMBER: 32

CITE AUTHORITY WVa Code § 30-36-7

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 NEW RULE BEING PROPOSED: 32 CRS 11

TITLE OF RULE BEING PROPOSED: EDUCATION REQUIREMENTS

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

**Title 32
Legislative Rule
Board of Acupuncture**

Dec 16 10 05 AM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**Series 11
Education Requirements**

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.

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

4.1. 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.

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

4.3. The course of training 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.

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

4.5. Course work shall carry academic credit.

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

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

4.10. Each approved course of training shall receive accreditation or approval for schools and colleges by an agency approved by the U. S. Department of Education or the approval of the course of training by the Board shall automatically lapse.

32-11-5. Specific Course Requirements for Approval of Acupuncture Training.

5.1. In order to be approved by the Board, pursuant to Code § 30-36-10 © 1 B an acupuncture course of training shall meet the following course curriculum criteria:

- 5.1.1. General biology, 8 semester hours;
- 5.1.2. Chemistry--including organic and biochemistry, 8 semester hours;
- 5.1.3. General physics--including a general survey of biophysics, 8 semester hours;
- 5.1.4. General psychology-including counseling skills, 8 semester hours;
- 5.1.5. Anatomy--a survey of microscopic, gross anatomy and neuroanatomy, 4 semester hours;
- 5.1.6. Physiology--a survey of basic physiology, including neurophysiology, endocrinology, and neurochemistry, 4 semester hours;
- 5.1.7. Pathology--a survey of the nature of disease and illness, including

- microbiology, immunology, psychopathology, and epidemiology, 4 semester hours;
- 5.1.8. Nutrition and vitamins, homeopathy and herbology, 4 semester hours;
- 5.1.9. History of medicine--a survey of medical history, including transcultural healing practices, 3 semester hours;
- 5.1.10. Medical terminology-fundamentals of English language medical terminology, 3 semester hours;
- 5.1.11. Clinical sciences-a review of internal medicine. pharmacology, neurology, surgery, obstetrics/gynecology, urology, radiology, nutrition and public health, 8 semester hours;
- 5.1.12. 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;
- 5.1.13. Western pharmacology, 8 semester hours;
- 5.1.14. Cardiopulmonary resuscitation (CPR), 8 contact hours;
- 5.1.15. Traditional Oriental medicine-a survey of the theory and practice of traditional diagnostic and therapeutic procedures, 8 semester hours;
- 5.1.16. Acupuncture anatomy and physiology--fundamentals of acupuncture. including the meridian system, special and extra loci, and auriculotherapy, 8 semester hours;
- 5.1.17. 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;
- 5.1.18. Acupressure techniques- instruction in the use of manual therapy pressure, 8 semester hours;
- 5.1.19. Breathing techniques--introductory course in Chi Kung, 4 semester hours
- 5.1.20. Traditional Oriental exercise--introductory course in Tai Chi Chuan, 4 semester hours;
- 5.1.21. Traditional Oriental herbology including botany--a portion of the hours shall be given in a clinical setting, 12 semester hours, plus 100 clinical hours
- 5.1.22. 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
- 5.1.23. Ethics relating to the practice of acupuncture, 2 semester hours.

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

- 5.2.1. Practice Observation--supervised observation of the clinical practice of acupuncture with case presentations and discussions, 50 clinical hours;
- 5.2.2. Diagnosis and evaluation--the application of Eastern and Western diagnostic

procedures in evaluating patients, 50 clinical hours; and

5.2.3. Supervised practice--the clinical treatment of a patient with acupuncture, 50 clinical hours

5.3. 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.

5.4. 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.

32-11-6. Course of Training Evaluation.

Each training program in this State 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 section 32-11-5 of this rule. The course of training's policies and procedures for evaluating and awarding transfer credit shall be set forth in writing and submitted to the Board. The policies and procedures shall include all of the following:

6.1. Credit shall only be awarded for actual course work or directly relevant experience received by the student. As used in this rule, '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;

6.2. 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 in which transfer credit may be awarded;

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

6.4. 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;

6.5. 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;

6.6. 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;

6.7. 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; and

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

32-11-7. Documentation Required for Approval.

Educational institutions or programs seeking approval of an acupuncture training program shall provide the Board with any 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.

32-11-8. 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 W. Va. Code 30-36-1 et seq. or this rule.

32-11-9. School Monitoring: Records: Reporting.

9.1. Every approved acupuncture school in W. Va. shall 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:

- 9.1.1. Courses added or deleted or significantly changed from the previous year's curriculum;
- 9.1.2. Changes in faculty, administration, or the governing body;
- 9.1.3. Major changes in the school facility; and

9.1.4. 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.

9.2. If determined necessary representatives of the Board shall make an on-site visit to the school to review and evaluate the status of the school. The school shall reimburse the Board for direct costs incurred in conducting the review and evaluation.

9.3. All student records shall be maintained in English.

9.4. Each approved acupuncture school shall report to the Board within 30 days any substantial changes to the facility or clinic, and curriculum required in this rule.



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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Dr. Darrell E. Samples
Board of Acupuncture
P.O. Box 252
Huntington, WV 25707

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Education Requirements, 32CSR11**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed _____
 - (b) as modified by the agency ✓
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: Board of Acupuncture

Subject: Education Requirements, 32CSR11

PERTINENT DATES

Filed for public comment: July 1, 1998
Public comment period ended: July 31, 1998
Filed following public comment period: August 3, 1998
Filed LRMRC: August 3, 1998
Filed as emergency:

Fiscal Impact: None

OFFICE OF THE SECRETARY OF STATE

SEP 16 10 30 AM '98

FILED

ABSTRACT

The proposed rule is new. The following is a section by section synopsis of the proposed rule.

Section 1 is the standard general section, setting forth the scope, authority, filing date and effective date of the proposed rule.

Section 2 states that the proposed rule applies to applicants for licensure who have graduated from a school or college of acupuncture or oriental medicine.

Section 3 defines terms.

Section 4 sets forth criteria for a course of training which the course must meet in order to receive approval of the Board. Specific courses and hours are specified, including hours of clinical instruction. It requires each course of training to develop a mechanism to evaluate and award transfer credit to students for prior course work and experience and sets forth minimum policies and procedures.

Section 5 requires educational institutions or programs to submit necessary documentation on their course of training to the Board.

Section 6 allows the Board to deny, place on probation, suspend or revoke approval of a course of training.

Section 7 requires approved acupuncture schools to submit a current course catalog and certain specified information to the Board at the end of each fiscal year.

AUTHORITY

Statutory authority: W.Va. Code, §30-36-7(a), which provides, in part, as follows:

(a) The board may propose for promulgation legislative rules to carry out the provisions of this article in accordance with the provisions of article three, chapter twenty-nine-a of this code.

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

Counsel has technical modifications to suggest.