

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

Do Not Mark In this Box

FILED

Mar 21 12 00 PM '99

OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

**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 NEW RULE BEING PROPOSED: 12

TITLE OF RULE BEING PROPOSED: _____

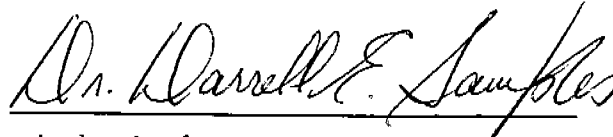
THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

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

SECTION 64-9-4(i), 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



Authorized Signature

\$3.40

32 CRS 12

**Title 32
Legislative Rule
Board of Acupuncture**

**Series 12
Tutorial Education Requirements**

32-12-1. General.

1.1. Scope. --This section establishes the educational requirements for licensed acupuncture applicants completing a tutorial or apprenticeship program.

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

1.3. Filing date. --

1.4. Effective date. --

32-12-2. Application.

This legislative rule applies to applicants for licensure and applicants for tutorial programs.

32-12-3. Definitions.

3.1. Acupuncture tutorial. --An acupuncture apprenticeship program which is approved by the Board pursuant to the Code which when successfully completed meets the requirements of W. Va. Code § 30-35-10 (3) for licensure as an acupuncturist.

3.2. Supervising acupuncturist. --A licensed acupuncturist who is approved by the Board to provide an acupuncture tutorial to a trainee who is registered with the Board.

3.3. Trainee. --A person who is registered with the Board in order to participate in an acupuncture tutorial under a supervising acupuncturist.

32 CRS 12

32-12-4. Prior Approval to Practice as an Acupuncture Trainee.

A person shall obtain prior approval of the Board to practice in acupuncture tutorial.

32-7-5. Prior Approval to Supervise an Acupuncture Trainee.

An acupuncturist shall obtain prior approval to supervise any acupuncture trainee in an acupuncture tutorial from the Board.

32-12-6. Filing of Applications: Credit for Prior Training.

6.1. An applicant for acupuncture trainee shall file for approval on a form provided by the Board and accompanied by the required application fee, 32CRS4.

6.1. An applicant for supervisor shall file for approval on a form provided by the Board and accompanied by any necessary documents, including the training agreement and the required application fee, 32CRS4.

6.2. An acupuncture trainee with prior training and experience which meets the standards of the Board may reduce the required hours of theoretical and clinical training based on the prior training and experience. Evidence of the prior training and experience should be submitted to the Board for its review with the application for registration of the trainee.

32-12-7. Requirements for Approval of an Acupuncture Tutorial.

7.1. The supervisor and the acupuncture trainee shall develop a written training agreement containing the required elements of the acupuncture tutorial. The agreement should provide a trainee with a structured learning experience in all the basic skills and knowledge necessary for the independent practice of acupuncture and should prepare the trainee for the Board's examination for acupuncture licensure.

7.2. The training agreement shall specify whether acupuncture tutorial is employment. Employment may be a full-time or part time.

7.3. An acupuncture tutorial shall provide formal clinical training with supplemental theoretical and didactic instruction. That training required in W.Va. Code § 30-36-10 from an approved acupuncture school or another post secondary educational institution which is accredited or approved under or is accredited by a regional accrediting agency authorized by the U.S. Department of Education.

32 CRS 12

- 7.4. The clinical training shall consist of a minimum of 300 hours in the following areas:
 - 7.4.1. Practice observation;
 - 7.4.2. History and physical examination;
 - 7.4.3. Therapeutic treatment planning;
 - 7.4.4. Preparation of the patient;
 - 7.4.5. Sterilization, use and maintenance of sterilization equipment;
 - 7.4.6. Moxibustion;
 - 7.4.7. Electroacupuncture (AC and DC voltages);
 - 7.4.8. Body and auricular acupuncture;
 - 7.4.9. Treatment of emergencies, including cardiopulmonary resuscitation;
 - 7.4.10. Pre- and post-treatment instruction to the patient; and
 - 7.4.11. Contraindications and precautions.

- 7.5. The theoretical and didactic training for tutorials shall consist of a minimum of 2700 hours (approximately 270 semester units) in the following areas:
 - 7.5.1. Traditional Oriental Medicine - a survey of the theory and practice of traditional diagnostic and therapeutic procedures.
 - 7.5.2. Acupuncture anatomy and physiology - fundamentals of acupuncture, including the meridian system special and extra loci, and auriculotherapy.
 - 7.5.3. Acupuncture techniques - instruction in the use of needling techniques, moxibustion, electroacupuncture, including precautions (e.g., sterilization of needles), contraindications and complications.
 - 7.5.4. Clinical medicine - a survey of the clinical practice of medicine, osteopathy, dentistry, psychology, nursing, chiropractic, podiatry and homeopathy to familiarize acupuncture practitioners with the practices of other health care practitioners.
 - 7.5.5. History of Medicine - a survey of medical history, including transcultural healing practices.
 - 7.5.6. Medical terminology - fundamentals of English language medical terminology.
 - 7.5.7. General sciences - a survey of general biology, chemistry, and physics.
 - 7.5.8. Anatomy - a survey of microscopic and gross anatomy and neuroanatomy.
 - 7.5.9. Physiology - a survey of basic physiology, including neurophysiology, endocrinology, and neurochemistry.
 - 7.5.10. Pathology - a survey of the nature of disease and illness, including microbiology, immunology, psychopathology, and epidemiology.
 - 7.5.11. Clinical sciences - a review of internal medicine, pharmacology, neurology, surgery, obstetrics/gynecology, urology, radiology, nutrition and public health.

- 7.6. The acupuncture services provided by the tutorial trainee shall be done so in a manner which does not endanger the health and welfare of patients receiving the services. The tutorial trainee shall inform a patient that the services will be rendered by that trainee. The patient

32 CRS 12

on each occasion of treatment shall be informed of the procedure to be performed by the tutorial trainee under the supervision of the supervising acupuncturist and shall consent in writing prior to performance of the acupuncture procedure by the tutorial trainee. These requirements shall also be applied to those instances where the trainee is to assist the supervisor in the rendering of acupuncture services.

7.7. The acupuncture tutorial training program shall be set forth in a written agreement signed by the supervisor and trainee which sets forth, but is not limited to, the training plan, length of training time, the method for providing the theoretical and didactic training and guidelines for supervision of the acupuncture services rendered by the trainee. A copy of the written agreement shall be submitted with the application for approval.

32-12-8. Supervising Acupuncturist's Responsibilities.

Supervising acupuncturists have the following duties and responsibilities:

8.1. A supervisor shall at all times be responsible for and provide supervision of the work performed by the trainee as required in this rule;

8.2. The supervisor shall only assign those patient treatments which can be safely and effectively performed by the trainee. The supervisor shall provide continuous direction and immediate supervision of the trainee when patient services are provided and shall be in close proximity during needle insertion and extraction;

8.3. The supervisor shall insure that patient informed consent is obtained when necessary;

8.4. The supervisor shall insure that the objectives of the submitted training plan are provided and met by the trainee;

8.5. The supervisor shall insure that the trainee complies with the standards of practice;

8.6. The supervisor shall file quarterly with the Board a progress report on a form provided by the Board which sets forth the schedules for theoretic and didactic training and for clinical training of the trainee;

8.7. The supervisor shall insure that when rendering services or otherwise engaging in professional activity the tutorial trainee always identifies himself or herself as an "acupuncture trainee"; and wears an identification badge stating his or her trainee status;

8.8. The supervisor shall not permit separate billing by the tutorial trainee;

32 CRS 12

8.9. The supervisor shall comply with the provisions of W. Va. Code § 30-36-1 et seq., applicable laws and rules governing wages and compensation paid to employees or apprentices, maximum hours and working conditions. Any overtime worked by the trainee shall not interfere with or impair the training program and shall not be detrimental to the health and safety of the trainee or patients.

32-12-9. Trainee's Responsibilities.

9.1. The tutorial trainee shall not provide acupuncture services without the required supervision or autonomously, and shall not provide any services for which he or she is not trained or competent to perform;

9.2. The tutorial trainee shall satisfactorily meet the objectives of the training plan submitted to the Board including the necessary theoretical training;

9.3. The tutorial trainee shall comply with the Board's rule Standards of Practice of Acupuncture by Licensed Acupuncturist, 32CRS6;

9.4. The tutorial trainee shall always identify himself or herself as an acupuncture trainee when rendering services or otherwise engaging in professional activity and shall wear an identification badge on an outer garment and in plain view which states the trainee's name and the title "Acupuncture Trainee";

9.5. The tutorial trainee shall report to the Board any delay, interruption or termination of the acupuncture tutorial not reported by the supervisor.

32-12-10. Termination or Modification of Tutorial.

10.1. The supervisor shall notify the Board in writing within ten (10) days of the termination of any acupuncture tutorial for any reason. At the time of the notification the Board shall cancel registration of both the supervisor and trainee shall be canceled. If the supervisor or trainee subsequently participate in an acupuncture tutorial, each shall file a new application for registration with the Board.

10.2. If the training plan of the acupuncture tutorial is substantially modified then the Board shall file a report of the modifications with the Board. There is no charge for filing the report.

10.3. If the supervisor is unable to complete the training, the Board at its discretion, may establish a plan to allow the tutorial trainee to complete the course of training. The Board may assign a new supervising acupuncturist.

32 CRS 12

32-12-11. Application for Examination of Credentials and Oral Examination.

At the completion of the tutorial the trainee may file an application for licensure.

32-12-12. Denial, Suspension or Revocation of Registration as a Supervisor.

The Board may deny, issue subject to terms and conditions, suspend, revoke or place on probation a registration to supervise a trainee in an acupuncture tutorial for the following causes:

- (a) Failure to comply with the provisions of the W. Va. Code § 30-36-1 et seq. or this Rule;
- (b) Violation of the standards of practice, 32CRS5;
- (c) The supervisor is the subject of a successful disciplinary action or has had charges in a disciplinary action filed against him or her;
- (d) The registration was obtained by fraud or misrepresentation or false or misleading information was presented to the Board with respect to an acupuncture tutorial;
- (e) Failure of the supervisor or the trainee to comply with patient informed consent; or
- (f) The trainee has rendered acupuncture services in violation of this Rule within the setting of the acupuncture tutorial regardless of whether the supervising acupuncturist has knowledge of the acts performed.

32-12-13. Denial, Suspension or Revocation of Registration as a Trainee.

The Board may deny, issue subject to terms and conditions, suspend, revoke or place on probation a registration as a trainee in an acupuncture tutorial for the following causes:

- (a) Failure to comply with this Rule for approval and registration as a trainee;
- (b) Violation of the W. Va. Code § 30-36-1 et seq. or the Board's Rules 32CRS1 et seq.;
- (c) The registration was obtained by fraud or misrepresentation or false or misleading information was presented to the Board with respect to the acupuncture tutorial;
- (d) Failure to comply with patient informed consent;
- (e) The rendering of acupuncture services outside the approved acupuncture tutorial;

32 CRS 12

(f) Failure to identify oneself as an acupuncture trainee or failure to wear an appropriate identification badge when rendering acupuncture services; or

(g) Rendering acupuncture services under a supervising acupuncturist who is not approved as a supervisor by the Board or whose registration as a supervisor has been suspended.

32-12-14. Proceedings.

Any proceedings to suspend or revoke the registration of a supervising acupuncturist or trainee or to deny such registration on grounds of unprofessional conduct shall be conducted pursuant to the Board's Rule, Disciplinary and Complaint Procedures for Acupuncturists, 32 CRS 7 on Hearings and Due Process.

7050
H. B. 2504

32-12

1 Bill-Acu

2

3

(By Delegates Hunt, Linch, Compton, Faircloth,
Jenkins and Riggs)

4

5

[Introduced February 1, 1999; referred to the
Committee on Health and Human Resources then
the Judiciary.]

6

7

8

9

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 tutorial education
16 requirements.

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 (tutorial education requirements, 32 CSR 12),
11 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 Tutorial Education Requirements.

16

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