

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: W. Va Board of Acupuncture TITLE NUMBER: 32

CITE AUTHORITY WVa Code § 31B-13-1304

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

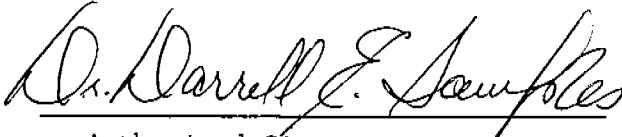
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 32 CRS 13

TITLE OF RULE BEING PROPOSED: Formation and Approval of
Professional Limited Liability Companies

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.


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 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: Formation and Approval of
Professional Limited Liability Companies

1. Authorizing statute(s) citation WVa Code §
31B-13-1304

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 31, 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 § 31B - 13 - 1304

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 13

TITLE OF RULE BEING PROPOSED: FORMATION AND APPROVAL OF PROFESSIONAL LIMITED LIABILITY COMPANIES
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 MAIL)
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: FORMATION AND APPROVAL OF PROFESSIONAL LIMITED LIABILITY COMPANIES
 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 PROCEDURES FOR FORMATION OF LIMITED LIABILITY COMPANIES

Rule Title: FORMATION OF LIMITED LIABILITY COMPANIES

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 is establishes the procedure for the formation and approval of professional limited liability corporations for the Board of Acupuncture.

32 CRS 13

This rule is being promulgated pursuant to requirements of Legislative intent found in the Code § 31B-13-1304.

**Title 32
Legislative Rule
Board of Acupuncture**

FILED

AUG 3 1 22 PM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**Series 13
Formation and Approval of Professional
Limited Liability Companies**

32-13-1. General.

1.1. Scope. --This legislative rule establishes the procedures for the formation and approval of professional limited liability companies for acupuncturists.

1.2. Authority. -- W. Va. Code § 31B-13-1304.

1.3. Filing date. --

1.4. Effective date. --

32-13-2. Definitions.

2.1. Board. --The West Virginia Board of Acupuncture, established in W. Va. Code § 30-36-1 et seq.

2.2. Professional limited liability company. -- A limited liability company organized under the W. Va. Code § 31B-13-1 et seq. for the purpose of rendering a professional service.

2.3. Professional services. --The services rendered under W. Va. Code § 30-32-1 et seq., by acupuncturists.

32-13-3. Procedures for Formation and Approval of Professional Limited Liability Companies for Acupuncturists. Fees.

3.1. Acupuncturists licensed to practice acupuncture in an active status in this State who desire to render acupuncture and oriental medical services as a limited liability company shall comply with the provisions of W. Va. Code § 31B-13-1 et seq. No professional limited liability company shall have as a member anyone other than a person who is duly licensed or otherwise legally authorized to render the professional services for which the professional limited liability

company was organized.

3.2. The name of a professional limited liability company shall contain the words "professional limited liability company" or the abbreviation "P.L.L.C." or "Professional L. L. C."

3.3. Every professional limited liability company shall file with the Board at the time of formation, and on an annual basis on or before the first day of July, the names of its two or more members, and written documentation that the professional limited liability company carries at least one million dollars of professional liability insurance, together with an initial filing fee of \$100.00 and annual renewal fee of \$100.

3.3.a. The requirement of carrying one million dollars of professional liability insurance is satisfied if the professional limited liability company provides one million dollars of funds specifically designated and segregated for the satisfaction of judgements against the company members or any of its professional or nonprofessional services to patients or clients of the company, by:

3.3.a.1. Deposit in trust or in bank escrow of cash, a bank certificate of deposit or United States treasury obligations; or

3.3.a.2. A bank letter of credit or insurance company bond.

3.4. Every limited liability company shall file with the Board a copy of the annual report required to be filed with the Secretary of State under W. Va. Code § 31B-2-211. The copy of the annual report, and a copy of any corrected annual report filed with the Secretary of State, shall be filed with the Board on or before the first day of July on an annual basis.

3.5. Every professional limited liability company in compliance with all the provisions of this rule shall be approved by and remain approved by the Board.

3.6. If any person ceases to be a member of any professional limited liability company, the Board shall be so notified in writing within twenty days therefrom that such person has ceased to be a member of a professional limited liability company shall not affect the approval of such professional limited liability company by the Board, provided that the Board determines that the professional limited liability company remains in compliance with all the provision of this rule.

32-13-4. Notification of Non-compliance, Cessation of Rendering Professional Services.

4.1. Should the Board determine that a professional limited liability company is not in compliance with all the provisions of this rule and should cease rendering professional services in

the State, the Board shall so notify the professional limited liability company in writing, and upon receipt of such written notice, said professional limited liability company shall cease rendering professional services in the State.

32-13-5. Practitioner-Patient Relationship.

5.1. The provisions of this rule shall not be construed to alter or affect the practitioner-patient relationship.