

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

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OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: BOARD OF ACUPUNCTURE TITLE NUMBER: 32

CITE AUTHORITY W.Va. Code § 31B-13-1304

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

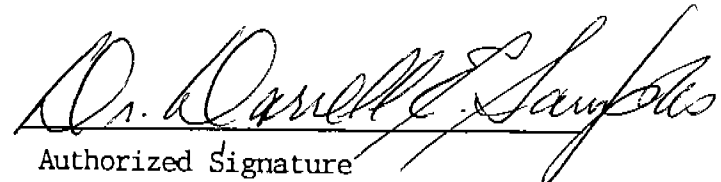
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

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, 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

\$2.60

**Title 32
Legislative Rule
Board of Acupuncture**

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

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OFFICE OF THE CLERK OF THE SENATE
SECRETARY OF STATE

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 § 30-36-1 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-13-1301 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 licensee ceases to be a member of any professional limited liability company, the company shall notify the Board in writing within twenty days therefrom that the licensee has ceased to be a member of a professional limited liability company. The fact that a licensee ceases 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. If the Board determines 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 notify the professional limited liability company in writing. Upon receipt of the written notice, the 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.