

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Form #5

**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 RULE BEING PROPOSED: 13

TITLE OF RULE BEING PROPOSED: FORMATION AND APPROVAL  
OF PROFESSIONAL LIMITED LIABILITY COMPANIES

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(j), 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

Dr. Darrell E. Samples  
Authorized Signature

\$2.60

**32 CRS 13**

**Title 32  
Legislative Rule  
Board of Acupuncture**

**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 § 30-36-1 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

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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 thereafter 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

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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.

5058

1 Bill-Acu]

H. B. 2505

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

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

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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 the formation and  
16 approval of professional limited liability companies.

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 one thousand  
5 three hundred four, article thirteen, chapter thirty-one-b,  
6 of this code, modified by the board of acupuncture to meet  
7 the objections of the legislative rule-making review  
8 committee and refiled in the state register on the eighth  
9 day of January, one thousand nine hundred ninety-nine,  
10 relating to the board of acupuncture (formation and  
11 approval of professional limited liability companies, 32  
12 CSR 13), is authorized.

13

14 NOTE: The purpose of this bill is to authorize the  
15 Board of Acupuncture to promulgate a legislative rule  
16 relating to the Formation and Approval of Professional  
17 Limited Liability Companies.

18

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