

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

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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: WV BOARD OF CHIROPRACTIC EXAMINERS TITLE NUMBER: 4

CITE AUTHORITY WV CODE §§30-16-1 THROUGH 30-16-18

AMENDMENT TO AN EXISTING RULE: YES NO

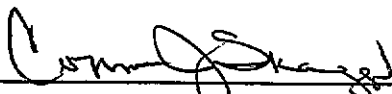
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series #4

TITLE OF RULE BEING PROPOSED: Title 4 - 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

\$4.00

DATE: August 5, 1997

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Connie J. Skaggs, Executive Secretary, WV Board of Chiropractic Examiners

LEGISLATIVE RULE TITLE: 4

1. Authorizing statute(s) citation WV Code §§30-16-1 thru 30-16-18

2. a. Date filed in State Register with Notice of Hearing

N/A

b. What other notice, including advertising, did you give of the hearing?

N/A

c. Date of Hearing(s) N/A

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached No comments received 0

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

8/5/97

f. Name and phone number(s) of agency person(s) to contact for additional information:

Connie J. Skaggs, Executive Secretary

(304) 722-1424

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.

N/A

b. Date of hearing: N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

BRIEF SUMMARY

This proposed legislative rule addresses procedures for the formation and approval of professional limited liability companies for chiropractic physicians.

STATEMENT OF CIRCUMSTANCES

The Secretary of State's office required The WV Board of Chiropractic Examiners to promulgate rules for implementation of establishing Articles of Organization for a WV Professional Limited Liability Company for chiropractic physicians.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Formation & Approval of Professional Limited Liability Companies

Type of Rule: Legislative Interpretive Procedural

Agency: WV Board of Chiropractic Examiners

Address: P. O. Box 153

St. Albans, WV 25177

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:

3. Objectives of these rules:

Rule Title: Formation & Approval of Professional Limited Liability Companies

N/A

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

C. Economic Impact on Citizens/Public at Large.

Date: 6/24/97

Signature of Agency Head or Authorized Representative



TITLE 4
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF CHIROPRACTIC EXAMINERS

SERIES 4
FORMATION AND APPROVAL OF PROFESSIONAL
LIMITED LIABILITY COMPANIES

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SECRETARY OF STATE

§4-4-1. General.

1.1. Scope. --This legislative rule addresses procedures for the formation and approval of professional limited liability companies for chiropractic physicians.

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

1.3. Filing Date. -- _____, 19__

1.4. Effective Date. -- _____, 19__

§4-4-2. Definitions.

2.1 Board. - The West Virginia Board of Chiropractic Examiners, established in W. Va. Code §30-16-3.

2.2 Professional limited liability company. - a limited liability company organized under Chapter 31B of the W.Va. Code for the purpose of rendering a professional service.

2.3 Professional services. - The services rendered under W. Va. Code 30-16-1 et seq., by Chiropractic Physicians.

§4-4-3. Procedures for Formation and Approval of Professional Limited Liability Companies for Chiropractic Physicians. Fees.

3.1 Chiropractic Physicians licensed to practice chiropractic in an active status in this State who desire to render chiropractic professional services as a limited liability company shall comply with the provisions of West Virginia 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 and an 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 judgments against the company members or any of its professional or nonprofessional managers or employees arising out of the performance of professional services to patients or clients of the company, by:

(1) Deposit in trust or in bank escrow of cash, bank certificates of deposit or United States treasury obligation; or

(2) A bank letter of credit or insurance company bond.

3.4 Every limited liability company formed prior to the effective date of this rule whose members are chiropractic physicians licensed under the provisions of West Virginia Code §30-16-1 et seq. shall re-form and re-file pursuant to the provisions of West Virginia Code §31B-13-1 et seq. and of this rule.

3.5 Every professional limited liability company shall file with the Board a copy of the annual report required to be filed with the secretary of state under West Virginia 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.

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

3.7 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 such professional limited liability company. The fact that a person 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 provisions of this rule.

§4-4-4. 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.

§4-4-5 Chiropractic Physician-Patient Relationships.

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