

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

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OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

Form #5

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: WV Board of Chiropractic TITLE NUMBER: 4

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: 4

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 64-9-5 (b), PASSED ON March 12, 1999

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON

THE FOLLOWING DATE: March 29, 1999

Conrad Skaggs
Authorized Signature

\$2.80

**TITLE 4
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF CHIROPRACTIC EXAMINERS**

MAR 23 9 37 AM '99

**SERIES 4
FORMATION AND APPROVAL OF
PROFESSIONAL LIMITED LIABILITY COMPANIES**

OFFICE OF THE CLERK OF THE WEST VIRGINIA
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 §30-16-4.

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-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 list of names of its 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 or 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-1301 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, they shall notify the Board in writing within twenty days that the person has ceased to be a member of the 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 the 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 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, and upon

receipt of the written notice, the 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.

9158

1 Bill-Cl

H. B. 2516

2

(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 chiropractic examiners to
15 promulgate a legislative rule relating to the
16 formation and approval of professional limited
17 liability companies.

18 **Be it enacted by the Legislature of West Virginia:**

19 That article nine, chapter sixty-four of the code of
20 West Virginia, one thousand nine hundred thirty-one, as
21 amended, be amended by adding thereto a new section,
22 designated section twenty-nine, to read as follows:

23 **ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND**

2516

1 **BOARDS TO PROMULGATE LEGISLATIVE RULES.**

2 **§64-9-29. Board of chiropractic examiners.**

3 The legislative rule filed in the state register on
4 the sixth day of August, one thousand nine hundred
5 ninety-seven, under the authority of section one thousand
6 three hundred four, article thirteen, chapter thirty-one-b,
7 of this code, modified by the board of chiropractic
8 examiners to meet the objections of the legislative
9 rule-making review committee and refiled in the state
10 register on the twentieth day of July, one thousand nine
11 hundred ninety-eight, relating to the board of chiropractic
12 examiners (formation and approval of professional limited
13 liability companies, 4 CSR 4), is authorized.

14

15 NOTE: The purpose of this bill is to authorize the
16 Board of Chiropractic Examiners to promulgate a legislative
17 rule relating to the Formation And Approval of Professional
18 Limited Liability Companies.

19

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