

Comment #1

From: WellspringAcupuncture [mailto:WellspringAcupuncture@Comcast.Net]
Sent: Friday, June 28, 2019 10:47 AM
To: 'Linda Lyter' <linda_lyter@frontier.com>
Cc:
Subject: HB 2324

Hi Linda,

Hope all is well.

I received the notice about the rule-making for the Auricular Acu-Detox Bill (HB2324) and I fully support an expeditious process in making this service available to as many West Virginians as possible. In fact, I support waiving the fee in any case where the cost would prevent a provider from serving or continuing to serve their community, especially if the Auricular Acu-Detox is provided sliding scale or free to whomever needs it.

Thanks very much!

Wishing You Wellness,
Andrea K. Brown,
Acupuncture Physician

Wellspring Acupuncture
304-268-3911

From: Linda Lyter [mailto:linda_lyter@frontier.com]
Sent: Monday, July 08, 2019 3:30 PM
To: 'WellspringAcupuncture' <WellspringAcupuncture@Comcast.Net>
Subject: FW: HB 2324

From: Linda Lyter [mailto:linda_lyter@frontier.com]
Sent: Monday, July 08, 2019 3:29 PM
To: 'Joan Strawson' <joanstrawson@gmail.com>
Subject: RE: HB 2324

Hi Andrea,

I appreciate your comments.
Joan, I've sent your address to our website guy to update.

Thanks,
Linda

Linda Lyter, Executive Director
WV Board of Acupuncture
WV Massage Therapy Licensure Board
179 Summers Street, Suite 711
Charleston, WV 25301-2122
Phone: 304-558-1060
Fax: 304-558-1061
Email: linda_lyter@frontier.com

From: Joan Strawson [mailto:joanstrawson@gmail.com]
Sent: Friday, June 28, 2019 12:54 PM
To: WellspringAcupuncture <WellspringAcupuncture@Comcast.Net>
Cc: Linda Lyter <linda_lyter@frontier.com>
Subject: Re: HB 2324

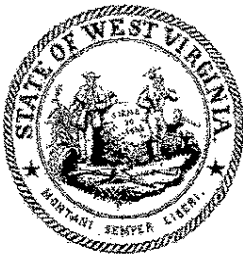
Thanks, Andrea. Hi Lynda, my current mailing address 246 S Carroll ST, Frederick MD 21701.

Sent from my iPad

On Jun 28, 2019, at 10:47 AM, WellspringAcupuncture <WellspringAcupuncture@Comcast.Net> wrote:

Hi Linda,

Hope all is well



State of West Virginia *Board of Medicine*

101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084
www.wvbofm.wv.gov

KISHORE K. CHALLA, MD, FACC
PRESIDENT

ASHISH P. SHETH, MD
VICE PRESIDENT

CATHERINE C. SLEMP, MD, MPH
SECRETARY

MARK A. SPANGLER, MA
EXECUTIVE DIRECTOR

July 14, 2019

VIA EMAIL ONLY

Linda Lytner
179 Summers Street, Ste. 711
Charleston, WV 25301
linda_lytner@frontier.com

**Re: Public Comment to the West Virginia Board of Acupuncture Regarding
Proposed Rule 32 CSR 14, *Auricular Detoxification Therapy Certificate***

Dear Ms. Lytner:

The West Virginia Board of Medicine (the "BOM") is the state agency charged with protecting the health and safety of the public through licensure, regulation and oversight of medical doctors (MDs), podiatric physicians (DPMs), and collaborating physician assistants¹ (PAs). House Bill 2324 (2019) authorizes the Board of Acupuncture to issue auricular acudetox therapy certificates to an enumerated list of licensed health professionals, including physician assistants. As a regulatory board for physician assistant practice in West Virginia, the BOM has reviewed proposed rule 32 CSR 14 and respectfully offers the following comments for consideration by the Board of acupuncture as it finalizes its agency-approved version of this rule:

1. Because the Board of Acupuncture will be issuing certificates to a broad array of professionals licensed by a number of separate and distinct licensing boards, it would be exceedingly helpful if the Board of Acupuncture would notify the certificate holder's licensing board of the issuance of a certificate for auricular acudetox therapy. The BOM believes that such notification would permit licensing boards to be aware of other certifications licensees may hold which would permit their practice of auricular acudetox therapy. Further, notification of certification to licensing boards would facilitate informed regulation of these individuals who may be practicing pursuant to more than one scope of practice. Adding an additional subsection to section four or five of the proposed rule which indicates that the Board of

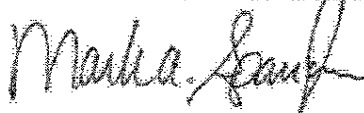
¹ The West Virginia Board of Osteopathic Medicine licenses and regulates physician assistants who primarily collaborate with doctors of osteopathic medicine.

Acupuncture shall notify the certificate holder's licensing board of the issuance and expiration of any certificate issued would address this concern.

2. The BOM also suggests that it is in the public interest for the Board of Acupuncture to notify a certificate holder's licensing board when any action is taken by the Board of Acupuncture with regard to an auricular acudetox therapy certificate. The grounds set forth within 32 CSR 14 for potential action with regard to an auricular acudetox therapy certificate may also require action against a professional or occupational license. The BOM proposes that language be added to section seven of the proposed rule to implement Board of Acupuncture reporting of disciplinary action to the certificate holder's licensing board.
3. Relatedly, the BOM suggest that the Board of Acupuncture consider including a provision in this rule which permits it to share complaint and investigation information with the certificate holder's licensing board. For example, if the Board of Acupuncture receives a complaint or information that a certificate holder who is also licensed by another board is practicing auricular acudetox therapy impaired, the public interest is best protected by the timely sharing of information that could potentially affect public health and patient safety. The inclusion of a provision permitting the sharing of complaints with licensing boards would facilitate coordinated and/or concurrent complaint and investigation processes to protect public safety.

Thank you for the opportunity to submit comments with respect to proposed rule 32 CSR 14. Should you have any questions regarding the BOM's comments, please do not hesitate to contact me.

On Behalf of the Board,



Mark A. Spangler

From: Linda Lyter [mailto:linda_lyter@frontier.com]
Sent: Friday, July 19, 2019 11:02 AM
To: 'Spangler, Mark A' <Mark.A.Spangler@wv.gov>
Cc: 'Frame, Jamie C' <Jamie.C.Frame@wv.gov>
Subject: RE: Comment on Rule 32 CSR 14

Mark,

Thank you for the comments from your board. The comments are valid and should be included in the rules for clarity.

Due to time constraints and the rules filing deadline, I don't have time to make the changes prior to submission.

The rules can be amended when they go through the legislative rule-making committee.

Thanks again,
Linda

Linda Lyter, Executive Director
WV Board of Acupuncture
WV Massage Therapy Licensure Board
179 Summers Street, Suite 711
Charleston, WV 25301-2122
Phone: 304-558-1060
Fax: 304-558-1061
Email: linda_lyter@frontier.com

From: Spangler, Mark A [mailto:Mark.A.Spangler@wv.gov]
Sent: Sunday, July 14, 2019 7:08 PM
To: linda_lyter <linda_lyter@frontier.com>
Cc: Frame, Jamie C <Jamie.C.Frame@wv.gov>
Subject: Comment on Rule 32 CSR 14

Good evening Linda,

Please find attached a comment on the West Virginia Board of Acupuncture's proposed rule regarding auricular detoxification therapy acupuncture, from the West Virginia Board of Medicine. Thank you for the opportunity to comment.

Kind Regards,

Mark A. Spangler

Executive Director

West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, West Virginia 25311
Telephone: 304/558-2921 x 70005
Facsimile: 304/558-2084