



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

7/13/2021 11:29:16 AM

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: Chiropractic Examiners TITLE-SERIES: 4-09  
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No  
RULE NAME: 4-09 Chiropractic Telehealth Practice

**PRIMARY CONTACT**

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CITE STATUTORY AUTHORITY: W. Va. Code §30-1-26

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

HB 2024 passed legislation on March 30, 2021 permitting health care practitioners licensed in other states to practice in WV using telehealth services. HB 2024 requires all health care licensing boards to propose rule-making authority referred to in §30-1-1 in accordance with the provisions of §29-A-3-15 of this code to regulate telehealth practice by a telehealth practitioner.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/8/2021

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/9/2021

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

Permits health care practitioners licensed in other states to practice in WV using telehealth services. HB 2024 requires all health care licensing boards to propose rule-making authority referred to in §30-1-1 in accordance with the provisions of §29A-3-15 of this code to regulate telehealth practice by a telehealth practitioner.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

House Bill 2024 passed legislation on March 30, 2021 permitting health care practitioners licensed in other states to practice in WV using telehealth services. House Bill 2024 requires all health care licensing Boards to propose rule-making authority.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/A

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

N/A

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	N/A	N/A	N/A
<b>Personal Services</b>			
<b>Current Expenses</b>			
<b>Repairs and Alterations</b>			
<b>Assets</b>			
<b>Other</b>			
<b>2. Estimated Total Revenues</b>	N/A	N/A	N/A

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Barbara L Johnson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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TITLE 4  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF CHIROPRACTIC

SERIES 9  
CHIROPRACTIC TELEHEALTH PRACTICE

**§4-9-1. General.**

1.1. Scope. -- This rule provides for the regulation of Chiropractic Interstate Telehealth Practitioners.

1.2. Authority. -- W. Va. Code §30-1-26 et seq.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2027.

**§4-9-2. Definitions.**

2.1. “Board” or “Board of Chiropractic” means the West Virginia Board of Chiropractic established pursuant to W. Va. Code §30-16-1 et seq.

2.2. This rule applies to doctors of chiropractic licensed to practice in other jurisdictions who seek to provide limited interstate telehealth services in West Virginia.

2.3. “Health care practitioner” means a person authorized to practice chiropractic under W. Va. Code §30-16-1 et seq.

2.4. “Interstate telehealth services” means the provision of telehealth services to a patient located in West Virginia by a health care practitioner located in any other state or commonwealth of the United States.

2.5. “Registration” means an authorization to practice chiropractic under W. Va. Code §30-16-1 et seq. for the limited purpose of providing interstate telehealth services.

2.6. “Telehealth services” means the use of synchronous or asynchronous telecommunications technology or audio only telephone calls by a health care practitioner to provide chiropractic services for assessment, intervention and/or consultation. The term does not include internet questionnaires, email messages, or facsimile transmissions, nor does it include promoting or soliciting patients.

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2.7. To be eligible for registration as an interstate telehealth practitioner, the registrant shall:

2.7.1. Submit a registration application to the Board on a form approved by the Board;

2.7.2. Pay the appropriate registration fee as required in W. Va. Code §30-16-10 et seq., and W. Va. C.S.R. §4-6-1.

2.7.3. Pass the jurisprudence examination developed by the Board. The examination score/completion certificate shall be submitted with the registration form, fees, and other required documents.

2.7.4. Hold license(s) in good standing in all states in which he/she is currently licensed, shall not currently be under investigation or subject to an administrative complaint, and must have a criminal history inquiry which is acceptable by the Board of Chiropractic.

2.7.5. Registration as an out-of-state telehealth practitioner shall be issued when the health care practitioner-patient relationship is established.

2.8. The registration of out-of-state telehealth practitioner shall expire annually on the 30<sup>th</sup> day of June.

2.9. A registrant requesting renewal of a registration shall:

2.9.1. Complete eighteen (18) hours of Board approved continuing education annually.

2.9.2. Pay the registration renewal fees as stated in W. Va. C.S.R. §4-1-3, and W. Va. C.S.R. §4-6-1.

2.10. The Standard of Care for the Provision of Telehealth Services by registrants under this Rule.

2.10.1. The standard of care shall require the registrants to follow the scope of practice stated in W. Va. Code §30-16-3 et seq., §30-16-18, §30-16-20, and §30-16-21; however, the standard of care does not include the review of non-patient information relating to the duration and necessity of chiropractic care that affects the course of care, the treatment plan, or payment, and reimbursement, concerning chiropractic patients residing in the State of West Virginia. It also does not permit the promotion or practice of functional medicine as a specialty, nor allow any disease-based treatment.

2.10.2. A registration issued pursuant to this rule does not authorize a health care professional to practice from a physical location within this state without first obtaining licensure by the Board of Chiropractic.

2.10.3. A healthcare professional who registers to provide telehealth services pursuant to this rule shall immediately notify the Board of any restrictions placed on the individual's license to practice in any state or jurisdiction.

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2.11. Interstate registrants shall comply with W. Va. Code §30-16-1 et seq. and the legislative rules promulgated by the Board of Chiropractic. Failure to comply will be grounds for disciplinary action under W. Va. Code §30-16-11, and §30-16-16.

2.12. A person currently licensed by the Board of Chiropractic is not subject to registration under this rule, but shall practice telehealth in accordance with W. Va. Code §30-16-1 et seq. and the legislative rules promulgated by the Board of Chiropractic.