



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

4/1/2022 10:01:20 AM

Office of West Virginia
Secretary Of State

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

AGENCY: Chiropractic Examiners

TITLE-SERIES: 4-09

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: 4CSR9 Chiropractic Telehealth Practice

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

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB334

Section W. Va. Code §64-9-3 Passed On 3/12/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

June 30, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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.

4CSR9

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. -- April 1, 2022

1.4. Effective Date. -- June 30, 2022

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

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

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

2.3. "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.

2.4. "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.

2.5. "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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§4-9-3. Application for Registration and Annual Review.

3.1 To be eligible for registration, the registrant shall:

3.1.1. Submit a registration application to the Board on a form approved by the Board located at www.boc.wv.gov;

3.1.2. Pay the appropriate registration fee as required in W. Va. Code §30-16-10 *et seq.*, and Fees Pertaining to the Practice of Chiropractic, 4CSR6;

3.1.3. Hold a valid, active chiropractic license issued by another state licensing authority or board;

3.1.4. Hold license(s) in good standing in all states in which he/she is currently licensed; and

3.1.5. Not currently be under investigation or subject to an administrative complaint.

3.2. The registration of out-of-state telehealth practitioner shall expire annually on the 30th day of June.

3.3. A registrant requesting renewal of a registration shall:

3.3.1. Pay the registration renewal fees as stated in Regulation of Chiropractic Practice, 4CSR1, and Fees Pertaining to the Practice of Chiropractic, 4CSR6.

3.3.2. Submit a renewal application to the Board on a form approved by the Board located at www.boc.wv.gov on or before June 30th.

§4-9-4. Standard of Care, Administrative Discipline, and Restrictions on Registration.

4.1. The Standard of Care for the Provision of Telehealth Services by registrants under this rule 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.

4.1.1. 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.

4.1.2. 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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4.2. 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.

4.3. 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.