



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

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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: Acupuncture TITLE-SERIES: 32-05  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: 32-05 Advertising by Licensed Acupuncturists

**PRIMARY CONTACT**

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CITE STATUTORY AUTHORITY: §30-36-7 & §30-36-14(f)

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:

TO UPDATE PROFESSIONAL TITLES

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: 6/29/2022

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/29/2022

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?

N/A

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

TO UPDATE PROFESSIONAL TITLES

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

THIS RULE HAS TO DO WITH ADVERTISING AS AN ACUPUNCTURIST

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		
	2022 Increase/Decrease (use "-")	2023 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0	0	0
<b>Personal Services</b>	0	0	0
<b>Current Expenses</b>	0	0	0
<b>Repairs and Alterations</b>	0	0	0
<b>Assets</b>	0	0	0
<b>Other</b>	0	0	0
<b>2. Estimated Total Revenues</b>	0	0	0

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

THIS WILL HAVE NO IMPACT ON THE EXPENSITURES AND REVENUE OF THE BOARD

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

Yes  
 Linda Lyter -- 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.



TITLE 32  
LEGISLATIVE RULE  
BOARD OF ACUPUNCTURE

SERIES 5  
ADVERTISING BY LICENSED ACUPUNCTURISTS

**§32-5-1. General.**

- 1.1. Scope. -- This rule establishes standards for the advertising of acupuncture.
- 1.2. Authority. -- W. Va. Code §§30-36-7 and 30-36-14 (f).
- 1.3. Filing Date. -- ~~May 21, 1999.~~
- 1.4. Effective Date. -- ~~May 21, 1999.~~

1.5. Sunset Provision. - This rule shall terminate and have no further force or effect upon the expiration of ten years from its effective date.

**§32-5-2. Application and Enforcement.**

This legislative rules applies to all licensed acupuncturists, all student acupuncturists and all apprenticed acupuncturists. The enforcement of these rules is vested with the Board.

**§32-5-3. Recognized Titles.**

Academic and professionally granted titles which may be used by acupuncturists practicing in W. Va. include, but are not limited to the following: and must be commensurate to the level of education and training:

- 3.1. L.Ac. and Lic. Ac. -- Licensed Acupuncturist
- 3.2. O.M.D. -- Oriental Medical Doctor
- 3.3. ~~MSOMed. -- Master of Science in Oriental Medicine~~
- 3.4. 3.3. D.Ac. -- Doctor of Acupuncture
- 3.5. ~~C.A. -- Certified Acupuncturist~~
- 3.6. 3.4. ~~D.O.M.~~ D.A.O.M. -- Doctorate of Acupuncture and Oriental Medicine
- 3.7. ~~A.P. -- Acupuncture Physician~~

**§32-5-4. Advertising.**

A Board licensed acupuncturist may advertise the provision of any acupuncture services to the public, which are within the scope of practice, authorized by W. Va. Code §30-36-2. The advertising may not

promote the excessive or unnecessary use of the services.

**§32-5-5. Use of the Title Doctor.**

5.1. An acupuncturist may use the title “Doctor” or the abbreviation “Dr.” in connection with the practice of acupuncture when he or she possesses an earned doctorate degree from an accredited, approved or authorized educational institution in acupuncture, Oriental medicine or a biological science. The use of the title “Doctor” or the abbreviation “Dr.” by an acupuncturist as authorized in this subsection without further indication of the type of license, certificate or degree which authorizes that use, constitutes unprofessional conduct.

5.2. An acupuncture doctor shall clearly explain to his or her patients, in writing and verbally, that he or she is not a physician licensed to practice ~~medicine~~ medicine or surgery, unless he or she is licensed under W. Va. Code §30-3-1 et seq or W. Va. Code §30-14-1 et seq.