



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

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Office of West Virginia  
Secretary Of State

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## **NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: Acupuncture

RULE TYPE: Legislative

TITLE-SERIES: 32-05

RULE NAME: Advertising By Licensed Acupuncturists

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

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

**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 August 1, 2033.

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

~~This~~ These legislative rules ~~applies~~ apply 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. must be commensurate to the level of education and training and include, but are not limited to the following:

- 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 ~~medicne~~ 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.