



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

4/18/2023 3:42:01 PM

Office of West Virginia  
Secretary Of State

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

AGENCY: Acupuncture TITLE-SERIES: 32-09  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: CONTINUING EDUCATION REQUIREMENTS  
CITE STATUTORY AUTHORITY: §30-36-7, §30-36-1 (c) and §64-9-2 (c)

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

Authorization is cited in (house or senate bill number) SB361

Section N/A Passed On 3/11/2023 12:00:00 AM

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

April 20, 2023

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

August 01, 2033

**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 9  
CONTINUING EDUCATION REQUIREMENTS

**§32-9-1. General.**

1.1. Scope. --This establishes continuing education requirements for renewal of licensure pursuant to W. Va. Code §30-36-14(d).

1.2. Authority. -- W. Va. Code §30-36-7(a), §30-36-1(c) and §64-9-2(c).

1.3. Filing Date. -- April 18, 2023.

1.4. Effective Date. -- April 20, 2023.

1.5. Sunset Provision. - This rule shall terminate and have no further force or effect upon August 1, 2033.

**§32-9-2. Application.**

This legislative rule applies to renewal licensees and instructors of continuing education courses.

**§32-9-3. Definitions.**

3.1. Approved Provider. -- Those persons or organizations offering continuing education in West Virginia, who are approved by the Board.

3.2. Course. -- A systematic learning experience, at least one hour in length, which deals with and is designed for the acquisition of knowledge, skills and information relevant to the practice of acupuncture.

3.3. Hour. -- A period of time spent in a course, lasting at least fifty (50) minutes, where participation in an organized learning experience occurs.

**§32-9-4. Criteria for Provider Approval.**

4.1. In order to be an approved provider, a provider shall submit to the Board an application on a form provided by the Board accompanied by the fee required by Board of Acupuncture rules, Fees of the Board of Acupuncture 32 CSR 4. All provider applications and documentation submitted to the Board shall be typewritten and in English.

4.2. The approval of the provider expires one (1) year after it is issued by the Board and may be renewed upon the filing of the required application and fee.

4.3. Acupuncture schools and colleges which have been approved by the Board, pursuant to the W. Va. Code §30-36-10, are approved continuing education providers .

**§32-9-5. Approved Providers.**

5.1. For the purpose of this rule programs offered by the following organizations will be considered “approved providers”:

- 5.1.1. The National Certification Commission of Acupuncture and Oriental Medicine (NCCAOM);
- 5.1.2. The American Association of Acupuncture and Oriental Medicine (AAAOM);
- 5.1.3. The California Board of Acupuncture;
- 5.1.4. The Council of Colleges of Acupuncture and Herbal Medicine (CCAHM);
- 5.1.5. The American Academy of Medical Acupuncture (AAMA);
- 5.1.6. The National Acupuncture Teachers Foundation (NAF); or
- 5.1.7. The National Acupuncture Detoxification Association (NADA).
- 5.1.8. Accredited schools or colleges.

**§32-9-6. Content of Courses Applicable for Continuing Education Credits.**

6.1. For each renewal period of two years, a licensee shall have a minimum of fifteen hours of instruction in the area of acupuncture or oriental medicine from an approved provider.

6.2. For each renewal period of two years, a licensee may have up to fifteen hours of instruction in western clinical sciences, medical practices, medical ethics, or medical research which are sponsored or accredited by, but not limited to, the following organizations, or their successor organizations:

- 6.2.1. The World Health Organization (WHO);
- 6.2.2 The National Institutes of Health (NIH);
- 6.2.3. The American Medical Association (AMA);
- 6.2.4. The American Osteopathic Association (AOA);
- 6.2.5. The American Nurses Association (ANA);
- 6.2.6. Local hospitals; or
- 6.2.7. Local colleges.

6.3. For each renewal period, a licensee may have no more than six (6) hours of training in accredited programs which will assist the licensee to carry out his or her professional management responsibilities, including, but not limited to:

- 6.3.1. Office, hospital, or administrative management;

6.3.2. Language training, such as Chinese or English as a foreign language; or

6.3.3. Education methodology.

6.4. An acupuncturist may obtain credit for any other programs which are pre-approved by the Board, at the Board's discretion.

**§32-9-7. Continuing Education Compliance.**

7.1. Each acupuncturist at the time of license renewal shall sign a statement under penalty of false swearing that he or she has or has not complied with the continuing education requirements.

7.2. The Board may audit once each year a random sample of acupuncturists who have reported compliance with the continuing education requirement. No acupuncturist shall be subject to audit more than once every two (2) years.

7.3. It constitutes unprofessional conduct for any acupuncturist to misrepresent completion of the required continuing education.

7.4. Any acupuncturist selected for audit shall submit original documentation or records of continuing education course work he or she has taken and completed.

7.5. Each acupuncturist shall retain for a minimum of four (4) years records of all continuing education programs attended which indicate the provider's name, title of the course or program, date and location of course and the number of continuing education credits awarded.

7.6. Instructors of approved continuing education courses may receive a maximum of two (2) hours of continuing education credit per year. An instructor may claim credit only where the individual acts as an instructor of an approved course. In addition, one hour of credit shall be accrued for each classroom hour completed as an instructor of a Board approved continuing education course. Participation as a member of a panel presentation for an approved course shall not entitle the participant to earn continuing education credit as an instructor.