



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

4/18/2023 4:18:01 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: 32-05  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: ADVERTISING BY LICENSED  
ACUPUNCTURISTS

CITE STATUTORY AUTHORITY: §30-36-7, §30-36-14 and §64-9-2 (a)

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 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, §30-36-14 (f) and §64-9-2 (a).
- 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.

**§32-5-2. 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. D.Ac. -- Doctor of Acupuncture
- 3.4. D.A.O.M. -- Doctorate of Acupuncture and Oriental Medicine

**§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 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.