

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4288

BY DELEGATES STEELE, FOSTER, ROHRBACH, D.

JEFFRIES, D., WAMSLEY, PUSHKIN AND FLEISCHAUER

[Introduced January 19, 2022; Referred to the Committee on Health and Human
Resources then Government Organization]

1 A BILL to amend and reenact §30-36-10 of the Code of West Virginia, 1931, as amended, relating
2 to expanding the practice of auricular acudetox to professions approved by the board; and
3 making other technical modifications.

Be it enacted by the Legislature of West Virginia:

ARTICLE 36. ACUPUNCTURISTS.

§30-36-10. Qualifications of applicants for licensure; and qualifications for certificate holders.

1 (a) To qualify for a license, an applicant shall:

2 (1) ~~Be of good moral character~~ Be free of a felony conviction bearing a rational nexus to
3 the profession pursuant to §30-1-24 of this code;

4 (2) Be at least 18 years of age;

5 (3) Demonstrate competence in performing acupuncture by meeting one of the following
6 standards for education, training, or demonstrated experience:

7 (A) Graduation from a course of training of at least 1,800 hours, including 300 clinical
8 hours, that is:

9 (i) Approved by the national accreditation commission for schools and colleges of
10 acupuncture and oriental medicine; or

11 (ii) Found by the board to be equivalent to a course approved by the national accreditation
12 commission for schools and colleges of acupuncture and oriental medicine;

13 (B) Achievement of a passing score on an examination that is:

14 (i) Given by the national commission for the certification of acupuncturists; or

15 (ii) Determined by the board to be equivalent to the examination given by the national
16 commission for the certification of acupuncturists;

17 (C) Successful completion of an apprenticeship consisting of at least 2,700 hours within a
18 five-year period under the direction of an individual properly approved by that jurisdiction to
19 perform acupuncture; or

20 (D) Performance of the practice of acupuncture in accordance with the law of another
21 jurisdiction or jurisdictions for a period of at least three years within the five years immediately
22 prior to application that consisted of at least 500 patient visits per year; and

23 (4) Achievement of any other qualifications that the board establishes in rules.

24 (b) Notwithstanding any other provisions of this code to the contrary, to qualify for a
25 certificate as an auricular detoxification specialist, an applicant shall:

26 (1) Be at least 18 years old;

27 (2) Be authorized in this state to engage in any of the following:

28 (A) Physician assistant, pursuant to §30-3E-1 *et seq.* of this code;

29 (B) Dentist, pursuant to §30-4-1 *et seq.* of this code;

30 (C) Registered professional nurse, pursuant to §30-7-1 *et seq.* of this code;

31 (D) Practical nurse, pursuant to §30-7A-1 *et seq.* of this code;

32 (E) Psychologist, pursuant to §30-21-1 *et seq.* of this code;

33 (F) Occupational therapist, pursuant to §30-28-1 *et seq.* of this code;

34 (G) Social worker, pursuant to §30-30-1 *et seq.* of this code;

35 (H) Professional counselor, pursuant to §30-31-1 *et seq.* of this code;

36 (I) Emergency medical services provider, pursuant to §16-4C-1 *et seq.* of this code; ~~or~~

37 (J) Corrections medical providers, pursuant to §15A-1-1 *et seq.* of this code; or

38 (K) Any other profession the board determines is eligible to engage in the practice of
39 auricular acudetox.

40 (3) Provide evidence of successful completion of a board-approved auricular acudetox
41 program;

42 (4) Submit a completed application as prescribed by the board; and

43 (5) Submit the appropriate fees as provided for by legislative rule.

44 (c) A certificate may be issued to a retired or inactive professional as described in §30-36-
45 10(b) of this code: *Provided*, That the professional meets the qualifications for a certificate holder

46 and the last three years of professional activity were performed in good standing: *Provided,*
47 *however,* That a person who holds a certificate or its equivalent in another jurisdiction as an
48 auricular detoxification specialist may be approved by the board to practice auricular acudetox
49 during a public health emergency or state of emergency for a duration to be provided for in
50 legislative rules of the board.

NOTE: The purpose of this bill is to expand the practice of auricular acudetox to individuals in other professions that may benefit the public by engaging in the practice.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.