

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

House Bill 4288

BY DELEGATES STEELE, FOSTER, ROHRBACH, D.

JEFFRIES, WAMSLEY, PUSHKIN AND FLEISCHAUER

[Passed March 11, 2022; in effect ninety days from passage.]

FILED

2022 MAR 30 P 5:21

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SECRETARY OF STATE

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1 AN ACT to amend and reenact §30-36-10 of the Code of West Virginia, 1931, as amended,
2 relating to expanding the practice of auricular acudetox to professions approved by the
3 board; and 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 free of a felony conviction bearing a rational nexus to the profession pursuant to
3 §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;

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.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Dean Jeffrey
.....
Chairman, House Committee

Mark Hayward
.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Steve Harrison
.....
Clerk of the House of Delegates

Joe Lavin
.....
Clerk of the Senate

Boyd Holton
.....
Speaker of the House of Delegates

G. P. Bl...
.....
President of the Senate

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SECRETARY OF STATE

The within *is approved* this the *30th*
day of *March* 2022

James Owens
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 24 2022

Time 10:53am