

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

2013 JUN -6 AM 11:52

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Dental Examiners TITLE NUMBER: 5

RULE TYPE: Legislative CITE AUTHORITY: §§30-1-6 and 30-4-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Fees Established by the Board

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

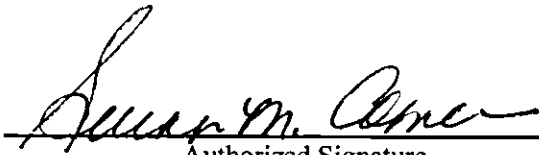
TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 12, 2013 AT 12:00 pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Board of Dental Examiners

PO Box 1447
Crab Orchard, WV 25827

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SUMMARY OF PROPOSED RULE

**TITLE 5
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF DENTAL EXAMINERS**

**SERIES 3
FEES ESTABLISHED BY THE BOARD**

This rule is being amended to update the following due passage of Senate Bill 580:

Change of name from Dental Examiners to Dentistry; and

Add fees for the following:

Application fee and renewal fee for Mobile Dental Facility Permit; and

Application fee and renewal fee for Portable Dental Unit Permit.

The Board is requesting additional fees as follows:

Name change request for a Professional Limited Liability Company;

Name change request for a Dental Corporation;

STATEMENT OF CIRCUMSTANCES

CONCERNING A PROPOSED RULE

TITLE 5

LEGISLATIVE RULE

WEST VIRGINIA BOARD OF DENTAL EXAMINERS

SERIES 3

FEES ESTABLISHED BY THE BOARD

Due to the passage of Senate Bill 580, which changed the Board's name, it is necessary to promulgate this rule to update the name of the Board. Also, due to proposed changes in other series of rules (2 & 6) and a proposed new rule (14) new fees are proposed for name changes of a PLLC or Corporation, and Mobile Dental Facility and portable dental unit permit application and renewal fee.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Fees Established by the Board

Rule Title: _____

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Dental Examiners

Address: PO Box 1447
Crab Orchard, WV 25827

Phone Number: 304-252-8266 Email: wybde@suddenlinkmail.com

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This rule will not have any impact on the general revenue of the state, any fees proposed by this rule will only effect the special revenue account of the Board of Dental Examiners.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	2,200.00	1,400.00

Fees Established by the Board

Rule Title: _____

Rule Title: _____

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

This rule proposes a fee to process a request for name change of a limited liability company or a dental corporation, which is proposed in their respective rules (5CSR2 & 6). The estimated amount of revenue for a fiscal year for these fees would be approximately \$200 of revenue.

Also, this rule proposes fees for initial application and renewal fees for a mobile dental facility or portable dental unit permit, which are proposed to be regulated under a new series of rules (5CSR14). The Board was given authority to regulate these facilities and units in SB580 which passed during the 2013 session. The Board is unsure of the number of mobile dental facility or portable dental unit operators that would fall under the proposed rules and can only estimate the increase in revenue until implementation of the rule. Estimation for the first year is \$2,000.

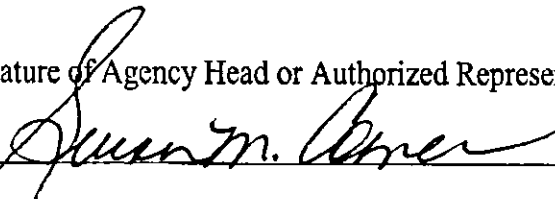
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

The fiscal impact will only affect those individuals seeking a permit to operate a mobile dental facility or portable dental unit.

Date: 6/5/2013

Signature of Agency Head or Authorized Representative



**TITLE 5
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF ~~DENTAL EXAMINERS~~ DENTISTRY**

**SERIES 3
FEES ESTABLISHED BY THE BOARD**

2013 JUN -6 AM 11:53

SECRETARY OF STATE

§5-3-1. General.

- 1.1. Scope. -- This legislative rule establishes fees for the Board of ~~Dental Examiners~~ Dentistry.
- 1.2. Authority. -- W. Va. Code §§30-1-6 and 30-4-6.
- 1.3. Filing Date. --
- 1.4. Effective Date. --

§5-3-2. Schedule of Fees for Dentists.

2.1. Dental Licensure Application	\$185.00
2.2. Re-examination fee for Dentists (Law Exam)	\$20.00
2.3. Out of State Dentist - Dental Licensure Application	\$200.00
2.4. Temporary Permit	\$200.00
2.5. Dental Intern/Dental Residency Permit	\$200.00
2.6. Teaching Permit	\$200.00
2.7. Investigation of Qualification for Temporary, Dental Intern/Dental Residency or Teaching Permits	\$50.00
2.8. Annual Information & Renewal fee for a Dentist	\$185.00

§5-3-3. Schedule of fees for Specialty Licensure for Dentists.

3.1. Dental Specialty Licensure Application	\$300.00
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§5-3-4 Schedule of Fees for Hygienists.

4.1. Dental Hygiene Licensure Application	\$75.00
4.2. Re-examination fee for Dental Hygienists (Law Exam)	\$20.00
4.3. Out of State Dental Hygienist - Dental Hygienist Licensure Application	\$100.00
4.4. Temporary Permit	\$100.00

4.5. Teaching Permit	\$100.00
4.6. Investigation of Qualification for Temporary, or Teaching Permits	\$50.00
4.7. Annual Information & Renewal fee for a Dental Hygienist	\$75.00
4.8 Annual Information & Renewal fee for a Dental Hygienists employed by a public health agency	\$65.00
4.9. Local Anesthesia Certificate Application fee	\$50.00
4.10. Nitrous Oxide Monitoring Certificate Application fee	\$50.00
4.11. Bleaching Certificate Application fee	\$25.00
4.12. General Supervision Application fee	\$100.00
4.13. Public Health Practice Application fee	\$25.00
4.14. Annual Renewal fee of Local Anesthesia Certificate	\$25.00
4.15. Annual Renewal fee of General Supervision Certificate	\$50.00
4.16. Annual Renewal fee of Public Health Practice Certificate	\$25.00

§5-3-5. Schedule of Fees for Dental Assistants.

5.1. Nitrous Oxide Monitoring Certificate Application fee	\$25.00
5.2. Orthodontic and/or Restorative Expanded Duties Certificate Application fee	\$25.00

§5-3-6. Schedule of Fees for Dental Corporations.

6.1. Application to Form a Dental Corporation	\$250.00
6.2. Annual renewal fee for a Dental Corporation	\$150.00
<u>6.3. Authorization of a Name Change</u>	<u>\$25.00</u>

§5-3-7. Schedule of fees for Anesthesia.

7.1. Class Two Certification Application Fee	\$50.00
7.2. Class Two Certification Renewal Fee	\$15.00
7.3. Class Three or Four Permit Application Fee	\$900.00
7.4. Class Three or Four Permit Renewal Fee	\$300.00

7.5. Qualified Monitor Application Fee	\$50.00
7.6. Qualified Monitor Annual Renewal Fee	\$25.00
7.7. Facility Inspection	\$200.00

§5-3-8. Schedule of fees for Professional Limited Liability Companies.

8.1 Application to Form a Dental Professional Limited Liability Company	\$250.00
8.2. Annual Renewal fee for a Professional Limited Liability Company	\$175.00
<u>8.3. Authorization of a Name Change</u>	<u>\$25.00</u>

§5-3-9. Schedule of fees for Mobile Dental Facilities and Portable Dental Units.

<u>9.1. Mobile Dental Facility Permit Application fee</u>	<u>\$1,500.00</u>
<u>9.2. Mobile Dental Facility Permit Renewal fee</u>	<u>\$1,000.00</u>
<u>9.3. Portable Dental Unit Permit Application fee</u>	<u>\$500.00</u>
<u>9.4. Portable Dental Unit Permit Renewal fee</u>	<u>\$250.00</u>

§5-3-910. Schedule for Miscellaneous Fees.

<u>910.1.</u> Verification of Licensure to another State (Charge for licensee)	\$25.00
<u>910.2.</u> Verification of Licensure (other entities)	\$25.00 per name
<u>910.3.</u> Course approval application fee	\$100.00
<u>910.4.</u> Duplicate renewal license	\$5.00
<u>910.5.</u> Duplicate wall certificate	\$10.00
<u>910.6.</u> Roster of Active Dental or Hygiene Licensees or Hygiene or Assistant Expanded Duties Certificate Holders (paper, email or cd)	\$100.00 per list
<u>910.7.</u> Roster of Active Dental or Hygiene Licensees or Hygiene or Assistant Expanded Duties Certificate Holders(labels)	\$200.00 per list
<u>910.8.</u> Roster of Active Dental or Hygiene Licensees or Hygiene or Assistant Expanded Duties Certificate Holders (one county, one dental specialty, etc.) (paper, email or labels)	\$10.00 per list
<u>910.9.</u> Miscellaneous Copies (first page)	\$3.00

additional pages

\$0.25

910.10. Retrieval Fee

\$25.00

§5-3-~~10~~11. Late Renewal and Late Continuing Education Fees

~~10~~11.1. Any Dental, Dental Specialty, Hygiene, Anesthesia, Corporation, PLLC, etc. that fail to renew by the specified renewal date, shall be assessed a penalty fee equal to the renewal fee, in addition to other conditions of renewal as set forth by statute or rule.

~~10~~11.2. Any Licensee that fails to report their continuing education requirements as set forth by statute or rule by the required reporting date shall be assessed a penalty fee equal the annual renewal fee of the licensee.

§5-3-~~11~~12. Returned Checks.

~~11~~12.1. Returned Check Charge

\$25.00

~~11~~ 12.2. Failure to replace renewal or application fees due to a returned check and pay the returned check charge shall constitute grounds for denial, revocation or suspension of a license.

§5-3-~~12~~13. Non Refundable.

~~12~~13.1. All fees are non-refundable.