

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

Form #2

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2014 DEC 17 A 11:05

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV Board of Dentistry TITLE NUMBER: 5

RULE TYPE: Procedural CITE AUTHORITY: §30-4-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 9

TITLE OF RULE BEING AMENDED: Application Procedures For Licensure or Certificate

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

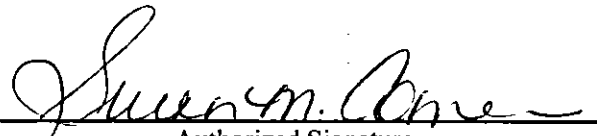
TITLE OF RULE BEING PROPOSED: _____

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 January 16, 2014 AT 12:00 pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV Board of Dentistry

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 RULE

This rule sets forth the procedures for which an application for licensure or certificate is to be processed. This includes application for a dental license, dental hygiene license, dental specialist; dental intern permits, dental teaching permits, dental anesthesia permits, qualified monitor certificate, certificate to perform expanded duties and compensation and expenses.

STATEMENT OF CIRCUMSTANCES

The Board promulgates and updates these rules pursuant to its authority as set forth in §30-4-6 of the West Virginia Code. These procedures assist the professionals with whom the Board regulates as to the procedures necessary to apply for licensure, permits or certificates in conformance with current law.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Application Procedures For Licensure or Certificate

Rule Title: _____

Type of Rule: Legislative Interpretive Procedural

Agency: WV Board of Dentistry

Address: PO Box 1447
Crab Orchard, WV 25827

Phone Number: (304)252-8266 Email: wvde@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 should not have any fiscal impact on costs or revenues of state government

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	0.00	0.00

Application Procedures For Licensure or Certificate

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.

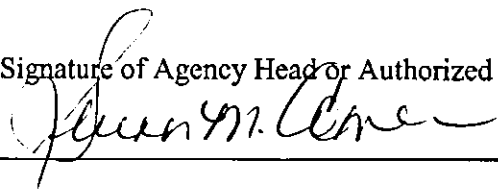
These rules deal with licensure, permit and certificate application procedures and should not impact costs or revenues.

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.

n/a

Date: 12/16/14

Signature of Agency Head or Authorized Representative


FILED

TITLE 5
PROCEDURAL RULE

2014 DEC 11 AM 11:05 WEST VIRGINIA BOARD OF DENTAL EXAMINERS DENTISTRY

OFFICE WEST VIRGINIA SECRETARY OF STATE APPLICATION PROCEDURES FOR LICENSURE OR CERTIFICATE SERIES 9

§5-9-1. General.

1.1. Scope. -- This rule regulates the requirements for licensure or permit for a dentist, dental specialist, dental hygienist and/or dental assistant.

1.2. Authority. -- W. Va. Code §30-4-6

1.3. Filing Date. --

1.4. Effective Date. --

§5-9-2. Definitions.

As used in this rule, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

2.1. "Board" means the West Virginia Board of ~~Dental Examiners~~ Dentistry;

2.2. "License" means a document issued by the board upon original licensure as a dentist, dental specialist or dental hygienist.

2.3. "Certificate" means a document issued by the board to a dental hygienist or dental assistant to perform expanded duties requiring a board approved course and examination.

2.4. "Dental Specialist" means a person issued a license to practice only one certain branch of dentistry.

§5-9-3. Application for Licensure of a Dentist

3.1. Persons seeking licensure as a dentist shall submit an application to the Board prescribed by the Board.

3.2. Each applicant shall submit a fee for application as set forth in the Board's fee schedule.

3.3. Each applicant shall submit evidence of graduation with a diploma from an approved dental college, school or dental department of a university ~~shall be submitted by being attached to the appropriate portion of the application. A An letter from the dental college, school or dental department of a university verifying the applicants diploma bearing the school or registrar's seal or official transcript bearing the school or registrar's seal is required may be accepted in lieu of the application portion and must be sent directly from the college or university to the Board's office.~~

3.4. Each applicant shall submit evidence of the applicant's successful completion of the examination administered by the Joint Commission on National Dental Examinations sent directly from the Commission to the Board's office.

3.5. Each applicant shall submit evidence of the applicant's successful completion of an examination by a regional and/or state clinical board approved by the Board sent directly from the regional or state board to the Board's office.

3.6. Each applicant shall successfully complete the West Virginia Dental Law Examination.

3.7. Each applicant shall submit verification of good standing of all health care licenses ever held in any jurisdiction by way of a formal letter from each entity issuing said licenses bearing said entities official seal or stamp sent directly to the Board's office.

3.8. Each applicant shall submit verification of good moral character by two letters of recommendation from persons who know the applicant professionally. Letters shall be sent directly to the Board office by way of mail or facsimile from the persons writing them. Letters from the applicant's family members or ~~teachers from their dental college or university~~ will not be accepted.

3.9. Each applicant shall be personally interviewed with the West Virginia Board of ~~Dental Examiners~~ Dentistry and/or appointed person by the Board who is or are Board Members or past Board Members. Applicants who are or have been given the law exam in a mass examination at a dental ~~hygiene~~ school within the boundaries of the State of West Virginia are exempted from this requirement.

§5-9-4. Application of Licensure of a Dentist from out of State

4.1. Persons seeking licensure as a dentist shall submit an application to the Board prescribed by the Board.

4.2. Each applicant shall submit a fee for application as set forth in the Board's fee schedule.

4.3. Each applicant shall submit evidence that he or she holds a license to practice dentistry in another state which was granted after completion of educational requirements substantially equivalent to those required in this state by way of a formal letter from the state issuing said license bearing said state's official seal or stamp sent directly to the Board's office or by submitting evidence of graduation with a diploma from an approved dental college, school or dental department of a university ~~by being attached to the appropriate portion of the application. A letter from the dental college, school or dental department of a university verifying the applicants diploma bearing the school or registrar's seal or official transcript bearing the school or registrar's seal~~ is required may be accepted in lieu of the application portion and must be sent directly from the college or university to the Board's office.

4.4 Each applicant shall submit evidence of the applicant's successful completion of the examination administered by the Joint Commission on National Dental Examinations sent directly from the Commission to the Board's office.

4.5. Each applicant shall submit evidence of the applicant's successful completion of an examination by a regional and/or state clinical board approved by the Board sent directly from the regional or state board to the Board's office.

4.6. Each applicant shall successfully complete the West Virginia Dental Law Examination.

4.7. Each applicant shall submit verification of good standing of all health care licenses ever held in any jurisdiction by way of a formal letter from each entity issuing said licenses indicating

he or she is not currently being investigated by a disciplinary authority of another state, does not have charges pending against his or her license to practice dentistry and has never had a license to practice dentistry revoked bearing said entities official seal or stamp sent directly to the Board's office.

4.8. Each applicant shall submit verification of good moral character by two letters of recommendation from persons who know the applicant professionally. Letters shall be sent directly to the Board office by way of mail or facsimile from the persons writing them. Letters from the applicant's family members or ~~teachers from their dental college or university~~ will not be accepted.

4.9. Each applicant shall be personally interviewed with the West Virginia Board of ~~Dental Examiners~~ Dentistry and/or appointed person by the Board who is or are Board Members or past Board Members.

§5-9-5. Application of Licensure of a Dental Hygienist

5.1. Persons seeking licensure as a dental hygienist shall submit an application to the Board prescribed by the Board.

5.2. Each applicant shall submit a fee for application as set forth in the Board's fee schedule.

5.3. Each applicant shall submit evidence of graduation with a degree in dental hygiene from an approved dental hygiene program of a college, school or dental department of a university ~~shall be submitted by being attached to the appropriate portion of the application. A An letter from the dental college, school or dental department of a university verifying the applicants diploma bearing the school or registrar's seal or official transcript bearing the school or registrar's seal is required~~ may be accepted in lieu of the application portion and must be sent directly from the college or university to the Board's office.

5.4. Each applicant shall submit evidence of the applicant's successful completion of the examination administered by the Joint Commission on National Dental Examinations sent directly from the Commission to the Board's office.

5.5. Each applicant shall submit evidence of the applicant's successful completion of an examination by a regional and/or state clinical board approved by the Board sent directly from the regional or state board to the Board's office.

5.6. Each applicant shall successfully complete the West Virginia Dental Law Examination.

5.7. Each applicant shall submit verification of good standing of all health care licenses ever held in any jurisdiction by way of a formal letter from each entity issuing said licenses bearing said entities official seal or stamp sent directly to the Board's office.

5.8. Each applicant shall submit verification of good moral character by two letters of recommendation from persons who know the applicant professionally. Letters shall be sent directly to the Board office by way of mail or facsimile from the persons writing them. Letters from the applicant's family members or ~~teachers from their dental hygiene college or university~~ will not be accepted.

5.9. Each applicant shall be personally interviewed with the West Virginia Board of ~~Dental Examiners~~ Dentistry and/or appointed person by the Board who is or are Board Members or past Board Members. Applicants who are or have been given the law exam in a mass examination at a

dental hygiene school within the boundaries of the State of West Virginia are exempted from this requirement.

§5-9-6. Application for Licensure of a Dental Hygienists from out of State

6.1. Persons seeking licensure as a dental hygienist shall submit an application to the Board prescribed by the Board.

6.2. Each applicant shall submit a fee for application as set forth in the Board's fee schedule.

6.3. Each applicant shall submit evidence he or she holds a dental hygiene license in another state which was granted after completion of educational requirements substantially equivalent to those required in this state by way of a formal letter from the state issuing said license bearing said state's official seal or stamp sent directly to the Board's office or by submitting evidence of graduation with a degree in dental hygiene from an approved dental hygiene program of a college, school or dental department of a university shall be submitted by being attached to the appropriate portion of the application. ~~A letter from the dental college, school or dental department of a university verifying the applicants diploma bearing the school or registrar's seal or official transcript bearing the school or registrar's seal is required may be accepted in lieu of the application portion and must be sent directly from the college or university to the Board's office.~~

6.4. Each applicant shall submit evidence of the applicant's successful completion of the examination administered by the Joint Commission on National Dental Examinations sent directly from the Commission to the Board's office.

6.5. Each applicant shall submit evidence of the applicant's successful completion of an examination by a regional and/or state clinical board approved by the Board sent directly from the regional or state board to the Board's office.

6.6. Each applicant shall successfully complete the West Virginia Dental Law Examination.

6.7. Each applicant shall submit verification of good standing of all health care licenses ever held in any jurisdiction by way of a formal letter from each entity issuing said licenses bearing said entities official seal or stamp sent directly to the Board's office.

6.8. Each applicant shall submit verification of good moral character by two letters of recommendation from persons who know the applicant professionally. Letters shall be sent directly to the Board office by way of mail or facsimile from the persons writing them. Letters from the applicant's family members ~~or teachers from their dental hygiene college or university~~ will not be accepted.

6.9. Each applicant shall be personally interviewed with the West Virginia Board of Dental Examiners Dentistry and/or appointed person by the Board who is or are Board Members or past Board Members.

§5-9-7. Application for Licensure as a Dental Specialist

7.1. Persons seeking licensure as a dental specialist must obtain a dental license before applying for a license as a dental specialist.

7.2. Persons seeking licensure as a dental specialist shall submit an application to the Board prescribed by the Board.

7.3. Each applicant shall submit a fee for application as set forth in the Board's fee schedule.

7.4. Each applicant shall submit evidence of graduation of a board recognized specialty program accredited by the Commission on Dental Accreditation or its successor agency ~~by being attached to the appropriate portion of the application.~~ A letter from the specialty program verifying the applicants diploma ~~bearing the program or registrar's seal or official transcript bearing the program or registrar's seal~~ is required ~~may be accepted in lieu of the application portion and~~ must be sent directly from the program to the Board's office.

7.5. Each applicant shall submit verification of good standing of all health care licenses ever held in any jurisdiction by way of a formal letter from each entity issuing said licenses bearing said entities official seal or stamp sent directly to the Board's office.

7.6. Each applicant shall submit verification of good moral character by two letters of recommendation from persons who know the applicant professionally. Letters shall be sent directly to the Board office by way of mail or facsimile from the persons writing them. Letters from the applicant's family members ~~or teachers from their dental college, university or specialty program~~ will not be accepted.

7.7. Each applicant shall be personally interviewed by the West Virginia Board of ~~Dental~~ Examiners Dentistry and/or appointed person by the Board who is or are Board Members or past Board Members or an appointed member of the applicant's specific specialty branch.

§5-9-8. Application for a Dental Intern Permit

8.1. Persons seeking a permit as a dental intern shall submit an application to the Board prescribed by the Board.

8.2. Each applicant shall submit a fee for application as set forth in the Board's fee schedule.

8.3. Each applicant shall submit evidence of graduation with a diploma from an approved dental college, school or dental department of a university. An official transcript bearing the school or registrar's seal is required and must be sent directly from the college or university to the Board's office.

8.4. Each applicant shall submit evidence of the applicant's successful completion of the examination administered by the Joint Commission on National Dental Examinations sent directly from the Commission to the Board's office.

8.5. Each applicant shall successfully complete the West Virginia Dental Law Examination.

8.6. Each applicant shall submit verification of good standing of all health care licenses ever held in any jurisdiction by way of a formal letter from each entity issuing said licenses bearing said entities official seal or stamp sent directly to the Board's office.

8.7. Each applicant shall submit verification of good moral character by two letters of recommendation from persons who know the applicant professionally. Letters shall be sent directly to the Board office by way of mail or facsimile from the persons writing them. Letters from the applicant's family members will not be accepted.

§5-9-9. Application for a Dental Teaching Permit

9.1. Persons seeking a dental teaching permit shall submit an application to the Board prescribed by the Board.

9.2. Each applicant shall submit a fee for application as set forth in the Board's fee schedule.

9.3. Each applicant shall submit a letter verifying employment with a dental school or academic medical center and must be sent directly from to the Board's office by the school or medical center.

9.4. Each applicant shall submit evidence of credentialing standards of a dental school or an academic medical center with which the person is to be affiliated: Provided, that the dental school or academic medical center is accredited by the Commission on Dental Accreditation or Joint Commission on Accreditation of Health Care Organizations.

9.5. Each applicant shall submit evidence of the applicant's successful completion of the examination administered by the Joint Commission on National Dental Examinations sent directly from the Commission to the Board's office.

9.6. Each applicant shall successfully complete the West Virginia Dental Law Examination.

9.7. Each applicant shall submit verification of good standing of all health care licenses ever held in any jurisdiction by way of a formal letter from each entity issuing said licenses bearing said entities official seal or stamp sent directly to the Board's office.

9.8. Each applicant shall submit verification of good moral character by two letters of recommendation from persons who know the applicant professionally. Letters shall be sent directly to the Board office by way of mail or facsimile from the persons writing them. Letters from the applicant's family members will not be accepted.

9.9. Each applicant shall be personally interviewed with the West Virginia Board of Dentistry and/or appointed person by the Board who is or are Board Members or past Board Members.

§5-9-10. Application for a Dental Anesthesia Permit

10.1. Persons seeking a permit to induce dental anesthesia shall submit an application to the Board prescribed by the Board.

10.2. Each applicant shall submit a fee for application as set forth in the Board's fee schedule.

10.3. Each applicant shall submit evidence of training in the administration of dental anesthesia for the class of anesthesia permit applied for as set forth in W.Va. Code §30-4A-1 et. seq. A letter from the training or specialty program verifying and detailing the applicants training is required and must be sent directly from the training program to the Board's office.

10.4. Each applicant shall submit current documentation showing successful completion of a Health Care Provider BLS/CPR course. Class 3 and 4 applicants shall submit current documentation showing successful completion of ACLS and/or PALS course if treating pediatric patients.

10.5. Each applicant shall successfully complete an in-office evaluation and on-site

inspection of facility, equipment, and auxiliary personal conducted by the Subcommittee on Anesthesia as set forth in W.Va. Code §30-4a-1 et. seq.

§5-9-11. Application for a Qualified Monitor Certificate

11.1. Persons seeking a qualified monitor certificate shall submit an application to the Board prescribed by the Board.

11.2. Each applicant shall submit a fee for application as set forth in the Board's fee schedule.

11.3. Each applicant shall submit evidence of training as set forth in the W.Va. Code of State Rules §5-12-1 et seq.

11.4. Each applicant shall submit current documentation showing successful completion of a Health Care Provider BLS/CPR course.

11.5. Each applicant shall obtain a certificate to monitor nitrous oxide from the Board unless nitrous oxide is not used in the office where the applicant will be a qualified monitor.

§5-9-812. Certificate to Perform Expanded Duties

812.1. Dental Hygienists or Dental Assistants seeking a certificate to perform expanded duties that require a board approved course and examination shall submit an application to the Board prescribed by the Board.

812.2. Each applicant shall submit a fee for application as set forth in the Board's fee schedule.

812.3. Each applicant shall submit evidence of successful completion of a board approved course by being attached to the appropriate section of the application or submitting a copy of a certificate of completion of a board approved course along with their application.

812.4. Each applicant shall submit evidence of passage of a board approved examination by being attached to the appropriate section of the application or being sent directly by the examining entity to the Board's office.

812.5. Each applicant for local anesthesia and/or nitrous oxide monitoring shall submit a copy of a current health care provider BLS/CPR card with their application.

§5-9-913. Compensation and Expenses

913.1 Board Members, appointed past Board Members or members of specialty branches may volunteer or shall may be paid and reimbursed expenses pursuant to §30-1-1 et seq. and §30-4-1 et seq. of the West Virginia Code.

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December 16, 2014

Mrs. Judy Cooper
Office of the Secretary of State
Administrative Law Division
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305

FILED
2014 DEC 17 A 11:06
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Dear Mrs. Cooper:

Enclosed please find a Notice of a Comment Period on a Proposed Rule to be filed with your office and a copy for the Legislative Rule-Making Review Committee for the following rules:

5CSR9 - Application Procedures For Licensure or Certificate

Please place this notice on the State Register and return to us a copy of the same with the filing date shown for our records. If additional information is needed please do not hesitate to contact this office.

Thank you in advance for your help and cooperation, the Board greatly appreciates it.

Very truly yours,

Handwritten signature of Susan M. Combs in cursive script.
SUSAN M. COMBS
Executive Secretary

Enclosures