

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
WEST VIRGINIA BOARD OF DENTAL EXAMINERS

Chapter 30-4
Series II
(1971)

Subject: Rules and Regulations for the West Virginia Board
of Dental Examiners.

Section 1. General.

1.01. Authority.--These regulations are issued under authority of Chapter 30, Articles 1 and 4 of the West Virginia Code of 1931, as amended.

1.02. Scope.--These regulations make such rules and regulations, not inconsistent with the law, as are necessary to regulate the West Virginia Board of Dental Examiner's proceedings and to carry out the purposes and enforce the provisions of Chapter 30, Articles 1 and 4 of the West Virginia Code of 1931, as amended, which are applicable to the West Virginia Board of Dental Examiners.

1.03. Effective Date.--These regulations are promulgated June 15, 1971, and become effective on thirty days thereafter.

1.04. Filing Date.--These regulations were filed in the Office of the Secretary of State on June 15, 1971.

1.05. Certification.--These regulations are certified authentic by the President and Secretary of the West Virginia Board of Dental Examiners by Certification No. II.

Section 2. Official Seal.

2.01. General.--The official seal shall affix by way of stamp or embossing and shall contain somewhere thereon the word "seal" and West Virginia Board of Dental Examiners.

Section 3. Corporate Practice of Dentistry.

3.01. Qualifications.--Only duly licensed dentists eligible to practice in the State of West Virginia may form a dental corporation. Such dentist or dentists shall file a written application with the Board of Dental Examiners on a form hereafter set out. A fee of \$25.00 shall accompany each application, no part of which shall be returnable. If the Board finds that the signer is a duly licensed dentist or if there be more than one, that all of the signers of such application are duly licensed dentists, the Board shall notify the Secretary of State that a Certificate of Authorization hereafter set out has been issued to the individual or individuals signing such application, to form a dental corporation. Provided, however, that there is compliance with the applicable provisions of Chapter 31, Article 1, Section 1 of the West Virginia Code of 1931, as amended, concerning corporations generally.

3.02. Application to Form Dental Corporation.

APPLICATION TO FORM DENTAL CORPORATION

<u>NAME OR NAMES OF DULY LICENSED DENTISTS</u>	<u>W. VA. LICENSE NO.</u>	<u>DATE ISSUED</u>
--	---------------------------	--------------------

1.

2.

3.

4.

5.

If there are more than five applicants, please use reverse side of application.

The above-named applicants hereby certify that they are duly licensed to practice dentistry in the State of West Virginia and desire to form a dental corporation.

1.

2.

3.

4.

5.

If there are more than five applicants, please use reverse side of application.

Taken, subscribed and sworn to before the undersigned this ____ day of _____, 1971.

My commission expires on the ____ day of _____, 19__.

Notary Public in and for
County, State
of West Virginia

A copy of the Agreement of Incorporation is hereby attached and made part of this application.

Please enclose fee of \$25.00 which would accompany this application, no part of which shall be returnable.

3.03. Certificate of Authorization.

CERTIFICATE OF AUTHORIZATION

This certificate is issued pursuant to Chapter 30, Article 4, Sections 4B and 4C of the West Virginia Code of 1931, as amended, authorizing the following individuals to form a Dental Corporation in the State of West Virginia.

- 1.
- 2.
- 3.

Issued by:

President
West Virginia Dental Board Examiners

Secretary
West Virginia Dental Board Examiners

Section 4. Specialties.

4.01. Specialist General Qualifications.--A licensee who has satisfactorily proved to the State Board of Dental Examiners that he or she possesses the following general qualifications, in excess of those required for the completion of a general course of study as given in a dental school or college recognized by the State Board. "Specialty" or "Specialization" is a restriction of practice to a certain field or phase of dentistry.

1. License to practice dentistry in the State of West Virginia.

2. Membership in the American Dental Association or the National Dental Association.

3. An exemplary record of professional ethics.

4. All training requirements for qualifications of each specialty shall be approved by the counsel on dental education of the American Dental Association.

4.02. Specialist General Limitations.--A person licensed by the West Virginia State Board of Dental Examiners as a specialist has the following limitations:

1. Said licensee shall limit his practice of dentistry only to the specialty in which he is licensed if he holds himself out to the general public as a specialist.

2. Limit his listing in the telephone directory to the area or areas in which he has an office or offices.

4.03. Specialty Fields Licensed by the West Virginia Board of Dental Examiners.

1. DENTAL PUBLIC HEALTH

Definition

"Dental public health" is defined as the science and art of preventing and controlling dental diseases and promoting dental health through organized community efforts. For the purposes of this Board the term "community" is used in a restricted sense and relates to the people of a particular region having common organization or interests and living in

the same place under the same laws. It is that form of dental practice which serves the community as a patient rather than the individual. It is concerned with the dental health education of the public, with research and the application of the findings of research, and with the administration of group dental care programs as well as the prevention and control of dental diseases on a community basis.

Qualifications

A minimum of one full-time academic year of at least eight calendar months each of graduate or post-graduate education, internship or residency.

2. ORAL PATHOLOGY

Definition

"Oral Pathology" shall be considered to embrace both morphologic and clinical study of diseases affecting the oral regions. An oral pathologist shall be considered as one who, through special study and training, is qualified to diagnose and otherwise study tumors and lesions, both local and systemic, of the oral regions.

Qualifications

A minimum of two full-time academic years of at least eight calendar months each of graduate or post-graduate education, internship or residency.

3. ORAL SURGERY

Definition

"Oral surgery" is that part of dental practice which deals with the diagnosis, the surgical and adjunctive treatment

of the diseases, injuries, and defects of the human jaws and associated structures.

Qualifications

A minimum of three full-time academic years of at least eight calendar months each of graduate or post-graduate education, internship or residency.

4. ORTHODONTICS

Definition

The prevention and correction of dental and oral anomalies: changing positions of teeth and jaw relationship by the use of appliances, by correction of causative habits or by corrective muscular exercises, in order to establish normal function of the masticating mechanism and to encourage a normal development of the jaws and associated tissues.

Qualifications

A minimum of two full-time academic years of at least eight calendar months each of graduate or post-graduate education, internship or residency.

5. PEDODONTICS

Definition

The prevention, control and treatment of the oral and dental diseases of children.

Qualifications

A minimum of two full-time academic years of at least eight calendar months each of graduate or post-graduate education, internship or residency.

6. PERIODONTICS

Definition

The prevention, control and treatment of diseases of the supporting tissues of the teeth.

Qualifications

A minimum of two full-time academic years of at least eight calendar months each of graduate or post-graduate education, internship or residency.

7. PROSTHODONTICS

Definition

The restoration of masticatory function in part or as a whole through the designing and construction of removable dental prosthetic appliances known as artificial dentures, and which are supported wholly or in part by the soft tissues of the mouth and not permanently attached to the natural teeth.

Qualifications

A minimum of two full-time academic years of at least eight calendar months each of graduate or post-graduate education, internship or residency.

8. ENDODONTICS

Definition

"Endodontics" is that area of dentistry dealing with the etiology, histopathology, diagnosis, preventions, and treatment of the diseases of the dental pulp and their sequelae.

Qualifications

A minimum of two full-time academic years of at least eight calendar months each of graduate or post-graduate education, internship or residency.

Section 5. Issuance of Temporary and/or Special Permits.

5.01. General.--The Board may issue a temporary permit to practice dentistry or dental hygiene. Temporary and/or special permits will only be granted pursuant to a board meeting with a quorum of members present. Furthermore, a fee of \$5.00 shall be paid to the Board upon the issuance of any temporary and/or special permit.

Nothing in this regulation shall be deemed to prohibit the practice of dentistry or dental hygiene by persons licensed in another state who, at the request of an approved dental school or any regularly organized dental society, may give a clinic at such school or at a scientific meeting of such dental society for the purpose of advancing the professional knowledge of members of the dental profession or members of the student body of a dental school.

5.02. Temporary Permit.--The board of dental examiners may issue a temporary permit to practice dentistry or dental hygiene to graduates of schools of dentistry or dental hygiene approved by the board who are certified to the board of directors of dental clinics established by law, by the chief executive of any hospital or sanitarium licensed or operated by the State or by the chief dental officer of the health department of the State. Such permits shall terminate when the holder thereof ceases to be employed by the person certifying him.

5.03. Dental Intern or Dental Residency Permit.-- The board of dental examiners may issue a dental intern or dental residency permit to graduates of dental schools approved by the board who are not licensed to practice dentistry in this State and who have not failed an examination for a license to practice dentistry in this State. Applicants for such permits shall be certified to the board by the director or a hospital operated or licensed by the State which maintains a dental intern or residency program. Such permits shall authorize the holder thereof to serve as a dental intern or a dental resident for a period of not more than one year in any hospital licensed or operated by the State which maintains an established dental department under the supervision of a licensed dentist. The holder of such a permit shall function under the supervision of the dental staff of the hospital and shall limit his practice to patients selected by the hospital. The holder of such a permit shall not be entitled to receive any fee or other compensation other than such salary as may be paid by such hospital. Permits may be revoked by the board for cause and shall expire at the end of one year or on the date the dental internship or residency is discontinued, whichever first occurs.

5.04. Teaching Permits.--The board of dental examiners may issue teaching permits to persons who are graduates of a school of dentistry or dental hygiene approved by the board where such persons are not licensed to practice dentistry or dental hygiene in this State. Such permits shall be issued only upon the certification of the dean of a dental school

located in this State that the applicant is a bona fide member of the staff of that school. Such permits shall be valid for one year and may be reissued by the board in its discretion. The holder of such a permit shall be entitled to perform all operations which a person licensed to practice dentistry or dental hygiene in this State would be entitled to perform, but only within the facilities of the dental school and as an adjunct to his teaching functions in such school.

Section 6. Suspension or Revocation of a License.

6.01. Board Meeting.--Prior to the suspension or revocation of a license, a majority of the Board shall meet with a quorum voting for revocation or suspension.

6.02. Notice.--Notice shall be given to the licensee concerning a revocation or suspension with the grounds therein for the reason of such revocation or suspension for a hearing to be held no sooner than ten days after receipt of notice nor longer than thirty days after receipt of said notice unless a continuance is requested by said licensee which may be granted by the President or Secretary of the Board at their discretion. Such notice shall contain the time and place of the hearing concerning the suspension or revocation. Such notice shall also contain a statement informing the licensee that the Board would receive any evidence whatsoever said licensee may wish to offer, that said licensee would be given the opportunity to cross-examine any witnesses appearing before the Board, and

that the Board would receive any statement said licensee may desire to make to them.

6.03. Publicity.--The Board shall give no advance publicity prior to the hearing, during the hearing or prior to its decision concerning a licensee's suspension or revocation of license.

6.04. Service of Notice.--A notice, no particular mode of serving which is prescribed, may be served by delivering a copy thereof in writing to the party in person; or, if he (or she) be not found, by delivering such copy at his (or her) usual place of abode, and giving information of its purport, to his wife (or her husband), or to any other person found there who is a member of his (or her) family and above the age of sixteen years; or if neither his wife (or her husband) nor any such other person be found there, and he (or she) be not found, by leaving such copy posted at the front door of such place of abode. Any sheriff or constable, thereto required, shall serve a notice within his county and make return of the manner and time of service; for a failure so to do he shall forfeit twenty dollars. Such return, or a similar return by any other person who verified it by affidavit, shall be evidence of the manner and time of service.

6.05. Service by Publication.--Any such notice to a person not residing in this State may be served by the publication thereof once a week for three successive weeks in a newspaper published in this State.

6.06. Hearing.--The Board shall have the power to compel the attendance of witnesses and the power to administer oaths. A stenographic report of a proceeding to suspend or revoke a license shall be made at the expense of the Board and a transcript thereof retained in the Board's file. The Board shall make a written report of its findings, which shall constitute part of the record and a copy thereof shall be filed with the Secretary of State.

6.07. Review by Circuit Court and Supreme Court of Board's Decision on Suspension and Revocation of License.--A person having his license suspended or revoked may, within thirty days after the decision of the Board, present his petition in writing to the circuit court of the county in which said person resides, or to the judge of such court in vacation, praying for the review and reversal of such decision. Before presenting his petition to the court or judge, the petitioner shall mail copies thereof to the president and secretary, respectively, of the Board. Upon receipt of such copy, the secretary shall forthwith transmit to the clerk of such court the record of the proceeding before the Board. The court or judge shall fix a time for the review of said proceeding at his earliest convenience. Notice in writing of the time and place of such hearing shall be given to the president and secretary of the Board at least ten days before the date set therefor. The court or judge shall, without a jury, hear and determine the case upon the record of the proceedings before

the Board. The court or judge may enter an order affirming, revising, or reversing the decision of the Board if it appears that the decision was clearly wrong. Prior to the entry of such order, no order shall be made or entered by the court to stay or supersede any suspension, revocation or cancellation of any such certificate, license, registration or authority. The judgment of the Circuit Court may be reviewed upon appeal in the Supreme Court of Appeals.

LAWRENCE D. FANTI, D. D. S.
PRESIDENT
108 FAIRVIEW STREET
PIEDMONT, WEST VIRGINIA

M. J. JOSEPH, D. D. S.
SECRETARY
706 NATIONAL BANK BUILDING
WHEELING, WEST VIRGINIA



ROBERT M. WILD, D. D. S.
1104 FIFTH AVENUE
HUNTINGTON, WEST VIRGINIA

J. G. ANDERSON, JR., D. D. S.
HAEBERLIN BUILDING
BECKLEY, WEST VIRGINIA

PAUL H. LOFLIN, D. D. S.
109 EAST MAIN STREET
BECKLEY, WEST VIRGINIA

West Virginia Board of Dental Examiners

CERTIFICATION NO. II

*obsolete
09/16 July 15, 1971
to Feb 9, 1973*

Honorable John D. Rockefeller, IV
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Mr. Rockefeller:

I hereby certify that the attached regulations, Series II, are certified authentic by the President and Secretary of the West Virginia Board of Dental Examiners.

Very truly yours,

Lawrence D. Fanti
LAWRENCE D. FANTI
President

M. J. Joseph
M. J. JOSEPH
Secretary

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 6/15/71