

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

FILED

JUN 26 10 43 AM '00

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

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

CITE AUTHORITY : 30-1-6

AM ENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AM ENDED: _____

TITLE OF RULE BEING AM ENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 3

TITLE OF RULE BEING PROPOSED: Fees Established by Board

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



Authorized Signature

Executive Secretary

SUMMARY OF PROPOSED RULE

To increase the annual information and renewal for dentists from \$75.00 to \$125.00 as set forth in Chapter 30, Article 4, Section 17b.

STATEMENT OF CIRCUMSTANCES

Promulgation for implementation of §30-1-1 et. seq. For implementation to raise annual information and renewal of dentists from \$75.00 to \$125.00 to allow Board to continue the proper performance of its duties.

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: June 23, 2000

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) WV Board of Dental Examiners
207 South Heber Street
PO Drawer 1459
Beckley, WV 25802-1459

LEGISLATIVE RULE TITLE: Fees Established by the Board

1. Authorizing statute(s) citation 30-1-6

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
May 2, 2000

b. What other notice, including advertising, did you give of the hearing?
Placed a legal advertisement in the Charleston Gazette which run 5/08/2000.
Also, sent a notice to all licensed dentists (1446) and dental hygienists (1154).

c. Date of Public Hearing(s) *or* Public Comment Period ended:
June 9, 2000

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached x No comments received 6

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

June 26, 2000

- f. Name, title, address and **phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

James G. Anderson, III
Executive Secretary
PO Drawer 1459
Beekley, WV 25802-1459

(304) 252-8266 fax (304) 252-2779

apsa@citynet.net

- g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

same

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

n/a

b. Date of hearing or comment period:

n/a

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

n/a

d. Attach findings and determinations and reasons:

Attached n/a

LIST OF PERSONS WHO APPEARED AT HEARING

James G. Anderson, III	Executive Secretary
John F. Parkulo	Assistant Executive Secretary
Susan M. Combs	Office Manager

COMMENTS RECEIVED

All evidenced by the attached transcript containing written comments. Three (3) in favor and three (3) against.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees Established by Board

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Dental Examiners

Address: PO Drawer 1459

Beckley, WV 25802-1459

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	229,850.00	224,550.00	240,000.00
PERSONAL SERVICES	0	0	101,450.00	101,550.00	110,000.00
CURRENT EXPENSE	0	0	89,000.00	81,600.00	83,500.00
REPAIRS & ALTERATIONS	0	0	1,500.00	1,500.00	1,500.00
EQUIPMENT	0	0	5,000.00	5,000.00	5,000.00
OTHER	0	0	32,900.00	34,900.00	40,000.00

2. Explanation of Above Estimates:

Increase in annual information and renewal fees from \$75.00 to \$125.00. Increase in annual revenue projected to be \$60,000.00.

3. Objectives of These Rules:

Board has worked on surplus in the past which no longer exists. Increase is needed to allow the Board to continue the proper performance of it's duties for the citizens of the State of West Virginia since the surplus is being depleted.

Rule Title: Fees Established by Board

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

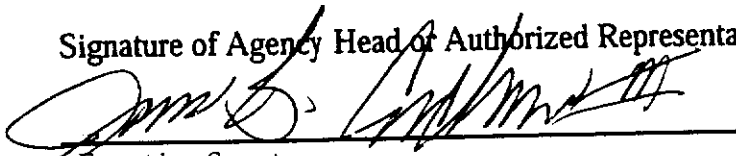
None

C. Economic Impact on Citizens/Public at Large.

None

Date: 4-28-2000

Signature of Agency Head or Authorized Representative:


Executive Secretary

Contact name

James G. Anderson, III

(304)252-8266

TITLE 5
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF DENTAL EXAMINERS

FILED

JUN 26 10 43 AM '00

SERIES 3
FEES ESTABLISHED BY THE BOARD

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

- §5-3-1. General.
- 1.1. Scope. - This legislative rule increased the annual information and renewal for dentists from \$75.00 to \$125.00 as set forth in Chapter 30-4-17b.
 - 1.2. Authority. - §30-1-6 and §30-4-4A
 - 1.3. Filing Date. -
 - 1.4. Effective Date. -
- §5-3-2. Schedule of fees.
- 2.1. Annual Information & Renewal fee
Dentists \$125.00

PUBLIC HEARING

WEST VIRGINIA BOARD OF DENTAL EXAMINERS

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In Re:
A public hearing on a proposed Rule by the West Virginia Board of Dental Examiners identified as Title V, Legislative Rule, pursuant to authority Chapter 30, Article I, Section 6 as Series III.

Conference Room, Law Office of
Anderson, Parkulo,
Stansbury & Associates, LC,
207 South Heber Street,
Beckley, West Virginia,
Friday, June 9, 2000.

The Public Hearing was taken before James A. Stewart, a Stenotype Reporter and Notary Public within and for the State of West Virginia at Large, pursuant to notice, commencing at 1:15 p.m., EDST.

COPY

VOLUME: I

PAGES: 1 - 28

A P P E A R A N C E S

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JAMES G. ANDERSON, III, ESQ.,

Executive Secretary,

West Virginia Board of Dental Examiners

P.O. Drawer 1459,

Beckley, West Virginia, 25802-1459.

JOHN F. PARKULO, ESQ.,

Assistant Executive Secretary,

West Virginia Board of Dental Examiners,

P.O. Drawer 1459,

Beckley, West Virginia, 25802-1459.

Also Present: Ms. Susan Michelle Combs

P R O C E E D I N G S

1
2 MR. ANDERSON: My name is James G.
3 Anderson, III, Executive Secretary for the West
4 Virginia Board of Dental Examiners.

5 We are here for a hearing on a proposed Rule
6 by the West Virginia Board of Dental Examiners, a
7 Legislative Rule, Title Number V, pursuant to the
8 authority of Chapter 30, Article I, Section 6. This
9 is not an amendment to an existing Rule, but a new
10 Rule, and the Series that is proposed is Series III.
11 This rule concerns fees established by the Board,
12 being the Board of Dental Examiners.

13 At this time I would like to identify the
14 people who are here at this public hearing. If each
15 one would state their name and their title, it would be
16 appreciated.

17 MR. PARKULO: John Parkulo, Assistant
18 Executive Secretary with the West Virginia Board of
19 Dental Examiners.

20 MS. COMBS: Susan Combs, Office Manager
21 of the West Virginia Board of Dental Examiners.

22 MR. ANDERSON: I would Like also for
23 the court reporter to put under oath Mr. Parkulo, Ms.
24 Combs, and myself, as far as the evidence to be
25 produced at the public hearing.

1 Whereupon,

2 JOHN F. PARKULO

3 JAMES G. ANDERSON, III

4 SUSAN MICHELLE COMBS

5 were duly sworn by the Notary Public.

6 MR. ANDERSON: Mr. Parkulo, you were
7 present at a meeting in March. Is that correct?

8 MR. PARKULO: That's correct.

9 MR. ANDERSON: And at that meeting the
10 Board unanimously voted for us to prepare a Rule to
11 increase fees, specifically dentists, from \$75 renewal
12 a year to \$125.

13 MR. PARKULO: That's correct.

14 MR. ANDERSON: And they asked us to do
15 what's necessary at public hearing and information to
16 submit this Rule. Is that correct, sir?

17 MR. PARKULO: That is correct.

18 Whereupon,

19 SUSAN MICHELLE COMBS

20 was called as a witness and, after having been first
21 duly sworn by the Notary Public, was examined and
22 testified as follows:

23 DIRECT EXAMINATION

24 BY MR. ANDERSON:

25 Q. Ms. Combs, would you state your full name,

1 please.

2 A. Susan Michelle Combs.

3 Q. And what is your position with the West
4 Virginia Board of Dental Examiners?

5 A. I'm the office manager.

6 Q. And as office manager, do you prepare and
7 type the records?

8 A. Yes, sir.

9 Q. And did you prepare the minutes from the
10 last meeting in March of the year 2000?

11 A. Yes, sir.

12 Q. And you heard Mr. Parkulo testify. Is that
13 correct?

14 A. Yes, sir.

15 Q. And was he correct in what he said, that we
16 were to establish a Rule for the increase of fees for
17 dentists?

18 A. Yes, sir.

19 Q. And that's what you had in the minutes. Is
20 that correct?

21 A. Yes, sir.

22 Q. Based upon that, did you prepare a Notice of
23 Public Hearing on a Proposed Rule?

24 A. I did.

25 MR. ANDERSON: And I would ask to have

1 this marked as Exhibit 1.

2 (Exhibit No. 1 was marked
3 for identification and
4 received in evidence.)

5 BY MR. ANDERSON:

6 Q. For the record, could you state what's been
7 marked as Exhibit 1, what that is, and the attachments
8 to it?

9 A. Notice of Public Hearing on a Proposed Rule
10 by the West Virginia Board of Dental Examiners. Page
11 2, or the second part of this, is the Fiscal Note for
12 Proposed Rules, page 1, and page 2 of the Fiscal Note.
13 The next page is the Proposed Rule itself. The next
14 page is a Summary of Proposed Rule, then a Statement
15 of Circumstances, and a Statement of Purpose.

16 Q. What did you do with this after this was
17 prepared?

18 A. After it was prepared, we mailed this to the
19 Secretary of State for their filing.

20 Q. And if I give you a copy of a letter dated
21 May 1st, 2000, signed by me, is that the letter you
22 mailed?

23 A. Yes, it is.

24 MR. ANDERSON: I would like to have
25 that marked as Exhibit 2, please.

1 (Exhibit No. 2 was marked
2 for identification and
3 received in evidence.)

4 BY MR. ANDERSON:

5 Q. Is that the letter where you submitted the
6 filing of the Proposed Rule on May the 2nd, 2000?

7 A. Yes.

8 Q. So the first exhibit is what you filed, but
9 what copy you have has a date showing where that
10 Proposed Rule was received from the Secretary of
11 State's office. Is that correct?

12 A. Correct.

13 Q. And that letter dated May 1st, 2000, signed
14 by me, requested Ms. Cooper in the Secretary of
15 State's office to file the enclosed Notice of Hearing
16 on a Proposed Rule with attachments and place the same
17 on the State Register.

18 A. That is correct.

19 Q. And it also asks her to return to us a copy
20 with the filing date for our records. Is that
21 correct?

22 A. That's correct.

23 Q. Now, after that, were you requested to
24 advertise this hearing by me?

25 A. Yes.

1 Q. And did you place an advertisement?

2 A. Yes, I did.

3 Q. I'm going to give you a copy, retaining the
4 original here, from the Charleston Newspapers. Is
5 that the legal advertisement you placed?

6 A. Yes, it is.

7 Q. And is that the Affidavit of Publication of
8 that advertisement?

9 A. It is.

10 MR. ANDERSON: I would ask that that be
11 marked as Exhibit 3.

12 (Exhibit No. 3 was marked
13 for identification and
14 received in evidence.)

15 BY MR. ANDERSON:

16 Q. In looking at the Affidavit of Publication,
17 at the bottom, was that published on May the 8th?

18 A. Yes, it was.

19 Q. And it was published in the Charleston
20 Gazette, a Daily Democratic Newspaper?

21 A. Yes, it was.

22 MR. ANDERSON: Off the record a minute.

23 (Discussion off the record.)

24 MR. ANDERSON: Back on the record.

25 BY MR. ANDERSON:

1 Q. That was a paid publication by the West
2 Virginia Board of Dental Examiners?

3 A. Yes.

4 Q. And the purpose of that was to give notice
5 of the public hearing to be held June the 9th, 2000,
6 at 1:00 o'clock?

7 A. Yes, it was.

8 Q. And does it show where that hearing is to be
9 held?

10 A. It does.

11 Q. Can you state what it shows, to be held?

12 A. 207 South Heber Street, Beckley, Raleigh
13 County, West Virginia.

14 Q. And does it state it's to be at the West
15 Virginia Board of Dental Examiner's office?

16 A. Yes, it does.

17 Q. And is that the office of the West Virginia
18 Board of Dental Examiners?

19 A. Yes, it is.

20 Q. In conjunction with this, did you also send
21 letters to associations that may be interested?

22 A. Yes, I did.

23 Q. And which associations did you send those
24 to?

25 A. I sent them to the West Virginia Dental

1 Association, West Virginia Dental Hygiene Association,
2 and the West Virginia Dental Assistants Association.

3 Q. I'm going to give you a copy of what is a
4 letter to the West Virginia Dental Association dated
5 May 1st, 2000. Is that what you sent to them?

6 A. Yes, it is.

7 Q. And in that did you enclose a copy of the
8 Proposed Rule?

9 A. Yes, I did.

10 Q. Was that the complete copy that you
11 testified to in the beginning previously marked
12 Exhibit 1?

13 A. Yes, it is.

14 Q. And you also told them that a Notice of
15 Public Hearing would be published in the Charleston
16 Gazette on May the 8th, 2000 or Tuesday, May the 9th,
17 2000. Is that correct?

18 A. Yes, that is correct.

19 MR. ANDERSON: I would like to have
20 that marked as an exhibit.

21 (Exhibit No. 4 was marked
22 for identification and
23 received in evidence.)

24

25

(Exhibit No. 4 was

marked for identification.)

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BY MR. ANDERSON:

Q. I'm going to show you another letter. Is that the letter dated May 1, 2000 that you sent to the Assistants Association?

A. It is.

Q. And it contains the same information sent to the Dental Association. Is that correct?

A. It does.

Q. And it had the same attachments mailed with it. Is that correct?

A. That's correct.

MR. ANDERSON: I would like to ask that that be marked as an exhibit.

(Exhibit No. 5 was marked for identification and received in evidence.)

BY MR. ANDERSON:

Q. I would show you another letter dated May 1st, 2000. Is that the letter that was sent to the West Virginia Dental Hygiene Association?

A. It is.

Q. And does it contain the same information that you testified to for the Dental Association and the Assistants Association?

1 A. It does.

2 Q. And did that also have the same attachments
3 with it?

4 A. It did.

5 MR. ANDERSON: I would like to request
6 that that be marked as an exhibit.

7 (Exhibit No. 6 was marked
8 for identification and
9 received in evidence.)

10 BY MR. ANDERSON:

11 Q. Did you receive a return on any of these
12 letters as being non-deliverable?

13 A. No.

14 Q. So, to your knowledge, when you addressed
15 those and mailed those first class mail, postage
16 prepaid, to the Dental Association, the Dental Hygiene
17 Association and the Dental Assistants Association,
18 none of those letters were returned. Is that correct?

19 A. They were not.

20 Q. In addition, did you mail the Exhibit 1,
21 which is the Notice of Public Hearing with
22 attachments, to other people?

23 A. Yes.

24 Q. Could you tell us who you mailed those to?

25 A. Those were mailed to the dentists that

1 currently hold license, and the hygienists that
2 currently hold a license.

3 Q. We do not license assistants. Is that
4 correct?

5 A. That's correct.

6 Q. And even though the Rule only increases
7 renewal fees for dentists, it was mailed to all of
8 those people we license. Is that correct?

9 A. That's correct.

10 Q. And was this sent first class mail, postage
11 prepaid?

12 A. Yes.

13 Q. Was it sent to the last current address that
14 we had on all registered dentists and dental
15 hygienists?

16 A. Yes.

17 Q. How many dentists did we mail that to?

18 A. 1446

19 Q. How many hygienists did we mail to?

20 A. 1144

21 Q. And you received back some as
22 non-deliverable. Is that correct?

23 A. Yes.

24 Q. The law does require them, with change of
25 address, to notify you. Is that correct?

1 A. Yes.

2 Q. And were those sent back, returned to us as
3 forwarding orders expired or no forward order for
4 delivery?

5 A. That's right.

6 Q. And in that, were there four dentists that
7 were returned?

8 A. Yes.

9 Q. And who were those dentists?

10 A. Dr. Pamela Skaff, Dr. Timothy Ray, Dr.
11 Robert Levine, and Dr. Eric Quillen.

12 Q. Now, that's four returns from dentists only
13 out of 1,446?

14 A. That's correct.

15 Q. Now, I would ask you to look at these three.
16 Were these three hygienists that were returned?

17 A. Yes. Julia Cho, Dian DuBois, and Deborah
18 Triplett.

19 Q. And out of the hygienists, three were
20 returned out of a mailing of 1,154. Is that correct?

21 A. That's correct.

22 Q. I would also ask if you received a letter
23 here marked "United States Postal Service"? Can you
24 tell me what that is?

25 A. This is one that we mailed that came apart,

1 and there is no return. Well, there is a return
2 address for us on here somewhere, and there was no way
3 of knowing if it was a dentist or a hygienist. It
4 completely came apart.

5 Q. These were put on two pages with the address
6 on the outside. Is that correct?

7 A. That's correct.

8 Q. And the last page that had the address to
9 the person was on the outside where the postage went?

10 A. That's correct.

11 Q. And that is missing. Is that correct?

12 A. That's correct.

13 Q. But the post office returned the second page
14 that had our address on it to you as being
15 non-deliverable. Is that correct?

16 A. Yes.

17 Q. Now, outside of these, those are the only
18 ones that you received back per mail. Is that
19 correct?

20 A. Yes, that's correct.

21 Q. On this situation, did it ask for written
22 comments?

23 A. Yes.

24 Q. And did you receive some written comments?

25 A. Yes, we did.

1 Q. I would ask you to look at one with an
2 envelope that it came with saying Dr. Karl J. Foose in
3 West Palm Beach, Florida. Could you identify what he
4 sent back?

5 A. He sent back part of what we sent him, and
6 he just made a notation on it that says, "If you raise
7 it, I will not renew my license."

8 Q. Now, he did not sign that notice. Is that
9 correct?

10 A. That's correct.

11 Q. And the only way we know it purportedly came
12 from his office is the attached envelope. Is that
13 correct?

14 A. That's correct.

15 MR. ANDERSON: I would ask that that be
16 marked and made an exhibit.

17 (Exhibit No. 7 was marked
18 for identification and
19 received in evidence.)

20 BY MR. ANDERSON:

21 Q. I'm showing you another letter. Was that
22 received in this office by mail?

23 A. Yes, it was.

24 Q. And is that a letter from a Dr. Kirit
25 Pujara?

1 A. Yes, it is.

2 Q. And could you read what his letter says?

3 A. You want me to read it?

4 Q. Yes, please.

5 A. "Dear West Virginia Board of Dental
6 Examiners: I oppose the increase of renewal fees for
7 dentists from \$75 to \$125. It is a 67% increase on
8 the fees. I feel that the board should cut down
9 current unnecessary expenses to balance their budget.
10 This is my opinion. This should be discussed in West
11 Virginia Dental Association meeting before any change
12 done in renewal fee. Yours Sincerely, Kirit Pujara,
13 D.D.S."

14 Q. And he practices at Chesapeake, West
15 Virginia. Is that correct?

16 A. That's correct.

17 MR. ANDERSON: I would ask that that be
18 marked and made an exhibit.

19 (Exhibit No. 8 was marked
20 for identification and
21 received in evidence.)

22 BY MR. ANDERSON:

23 Q. I'll show you a copy of another letter. Is
24 this a reply you received back, or comments concerning
25 the fee increase?

1 A. Yes, it is.

2 Q. And who's that from?

3 A. Michael H. Shahan, DDS, MS.

4 Q. And where does he practice?

5 A. Parkersburg.

6 Q. He is a licensed dentist. Is that correct?

7 A. That is correct.

8 Q. Could you read his letter, please.

9 A. Yes. "Dear Sir: I would like to make a
10 suggestion to be considered at the hearing on a
11 proposed rule change covering the fees charged for
12 renewal of the dental license. I suggest that the
13 Board issue a license renewal every two years. The
14 fee should be set at about \$200 to \$225.

15 This change would provide the increased
16 funds to the Board, but reduce the need for manpower
17 in the board office dedicated to processing renewals
18 yearly. Additionally, as a license holder I would
19 benefit because I would only have to fill out the
20 renewal form once every two years. This schedule
21 would also put continuing education on the same
22 schedule as the license renewal.

23 Several of my dental licenses in other
24 states are administered in this manner and it works
25 well. Sincerely, Michael H. Shahan, DDS."

1 MR. ANDERSON: I would ask that this be
2 marked as an exhibit and made a part of the record.

3 (Exhibit No. 9 was marked
4 for identification
5 and received in evidence.)

6 BY MR. ANDERSON:

7 Q. The first two letters that you identified as
8 comments were in opposition to an increase. Is that
9 correct?

10 A. That's correct.

11 Q. The -- that letter is not in opposition to
12 an increase. Is that correct?

13 A. That's correct.

14 Q. I would show you another letter. Is this an
15 additional comment that you received?

16 A. Yes, it is.

17 Q. Did you receive that letter in two different
18 ways?

19 A. Yes, I did.

20 Q. Can you tell us how you received it?

21 A. Well, the letter is written to the Honorable
22 Ken Hechler, and a carbon copy was sent to the West
23 Virginia Board of Dental Examiners, and then the
24 office of Ken Hechler sent us the original that was
25 sent to them.

1 Q. And who is this letter from?

2 A. Mark S. Quagliotti, D.D.S.

3 Q. Is he a licensed dentist in this state?

4 A. Yes.

5 Q. And where is he currently serving as a
6 dentist?

7 A. Our record shows Portland, Texas.

8 Q. Without reading this letter, it's quite
9 extensive, does it concern the fact he is in the
10 military?

11 A. Yes, it does.

12 Q. Does it concern that he thought there ought
13 to be reduced fees for military or either no charge?

14 A. Yes.

15 Q. Is that based because they serve their
16 country?

17 A. Yes.

18 Q. To your knowledge, does the military require
19 a permanent licensure in some state in order to serve
20 as a dentist in the military?

21 A. Yes.

22 Q. You don't know if he has a license in other
23 states or not. Is that correct?

24 A. Not right off.

25 Q. But without a certification from a state and

1 a license, a person cannot practice dentistry in the
2 military. Is that correct?

3 A. That's correct.

4 Q. And these records that we get forwarding
5 comments, we have to certify periodically, is that
6 correct, in this office?

7 A. Yes.

8 Q. And don't people who are in the medical and
9 dental corps in the military receive an extra bonus
10 above and beyond people who serve in the standard
11 ranks of the service?

12 A. Yes.

13 MR. ANDERSON: I would ask that that be
14 marked as an exhibit and made a part of the record.

15 (Exhibit No. 10 was marked
16 for identification and
17 received in evidence.)

18 BY MR. ANDERSON:

19 Q. I show you another letter. Is this a
20 comment letter that this office received concerning
21 the renewal fee increase?

22 A. Yes.

23 Q. And who's that letter from?

24 A. Donald J. Morrison, DDS, MS.

25 Q. And is he a licensed dentist?

1 A. Yes, he is.

2 Q. And where does he practice dentistry?

3 A. Bruceton Mills.

4 Q. Is the substance of his letter that he is in
5 agreement to have the renewal fees increased?

6 A. Yes, he is.

7 Q. But he feels that that should only be raised
8 for a full-time practitioner and part-time should only
9 have to pay the current \$75. Is that correct?

10 A. That's correct.

11 MR. ANDERSON: I would ask that that be
12 marked as an exhibit and made a part of the record.

13 (Exhibit No. 11 was marked
14 for identification and
15 received in evidence.)

16 BY MR. ANDERSON:

17 Q. I show you another letter. Is this a letter
18 that was received as part of the comment concerning
19 the renewal fee increase?

20 A. Yes, it is.

21 Q. And who's that letter from?

22 A. G. C. White, DDS.

23 Q. Is he a licensed dentist?

24 A. Yes, he is.

25 Q. Does he practice in the state of West

1 Virginia?

2 A. Yes, he does.

3 Q. And what was his comment?

4 A. He feels it's a reasonable increase.

5 Q. And said he supports the small increase. Is
6 that correct?

7 A. Yes, he does. That's what it says.

8 Q. Because he talks about that the state of
9 West Virginia for LLCs, Limited Liability Companies,
10 and I don't know whether you know it or not, but said
11 they increased their renewal fee 100 percent the past
12 year. Is that right?

13 A. That's what it says.

14 MR. ANDERSON: I ask that that be
15 marked and made a part of the record in this matter.

16 (Exhibit No. 12 was marked
17 for identification and
18 received in evidence.)

19 BY MR. ANDERSON:

20 Q. The only written comments you received were
21 a total of six. Is that correct?

22 A. That's correct.

23 Q. And these comment letters are marked, and
24 have been at this hearing, as Exhibits 7 through 12.
25 Is that correct?

1 A. That's correct.

2 Q. That's a total of six comment letters. Is
3 that right?

4 A. That's right.

5 Q. And three of them tend to support, in some
6 form, the increase. Is that correct?

7 A. That's correct.

8 Q. And the other three are against it. Is that
9 correct?

10 A. That's correct.

11 Q. Now, out of all of the mailings you
12 previously testified to, these are the only six
13 written comments you have had. Is that correct?

14 A. That's correct.

15 Q. Have you had any calls concerning this
16 hearing today?

17 A. Yes. I had one call yesterday, a lady
18 asking for directions.

19 Q. And you didn't see the person, but did that
20 person identify themselves on the phone?

21 A. No, they did not.

22 Q. So you don't know who the person was that
23 called?

24 A. I can't be 100 percent sure, no.

25 Q. But other than that, no one called. Is that

1 correct?

2 A. That's correct.

3 Q. Looking at the hearing held today, we were
4 ready to start this hearing at 1:00 o'clock, but to
5 your knowledge did we wait until approximately 1:15?

6 A. We did.

7 Q. And the time now is 1:45. Is that correct?

8 A. That's correct.

9 Q. We are getting ready to end the hearing, is
10 the reason I'm asking.

11 I'm going to ask Mr. Parkulo if he would
12 step out front to see if anyone else has shown up for
13 this hearing.

14 (Mr. Parkulo responded.)

15 MR. ANDERSON: Mr. Parkulo?

16 MR. PARKULO: Yes.

17 MR. ANDERSON: Did you check out front?

18 MR. PARKULO: I did. I checked the
19 reception area of our office, which is adjoining to
20 the Dental Board office where all parties would come
21 in, and the receptionist indicated there has been no
22 other phone calls and no persons appear for the
23 purposes of today's hearing.

24 MR. ANDERSON: I would like to inquire
25 and show, but asking, is there anyone appearing here

1 today in opposition that has something they would like
2 to add additionally to the record?

3 The record, since there is no one here and
4 it's not being videoed, should show that the three
5 people with the court reporter identified are the only
6 people present at the hearing.

7 I would also request that instead of
8 originals being introduced as exhibits, that the
9 originals be retained by the West Virginia Board of
10 Dental Examiners office with copies marked as exhibits
11 substituted therefore.

12 I would also ask that all the exhibits
13 introduced be made a part of the record and request
14 that a transcript and one copy be prepared and mailed
15 back to the West Virginia Board of Dental Examiners
16 office, being Post Office Drawer 1459, Beckley, West
17 Virginia, 25802-1459.

18 That ends today's hearing, as far as a
19 public hearing, on the Proposed Rule. Thank you.

20 (Witness excused)

21 (Whereupon, at 1:45 p.m., EDST, the
22 foregoing Public Hearing was concluded.)

23

24

25

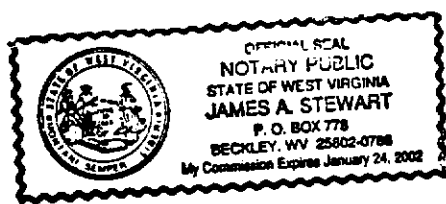
1 STATE OF WEST VIRGINIA

2 STATE AT LARGE, to-wit:

3 I, James A. Stewart, a Certified Shorthand
 4 Reporter and Notary Public within and for the State of
 5 West Virginia at Large, do hereby certify that I did
 6 appear at the time and place specified in the caption
 7 hereof; That the said witness was by me first duly
 8 sworn; That the testimony of the said witness was by
 9 me personally taken down in Stenotype Characters and
 10 transcribed into the English Language by
 11 Computer-Aided Transcription as set forth herein, the
 12 same being a true and correct transcript of the said
 13 testimony; That I am neither counsel for nor related
 14 to any of the parties hereto and have no interest in
 15 the matter whatsoever.

16 IT IS STIPULATED AND AGREED by the parties
 17 hereto that the signature of the foregoing witnesses
 18 is hereby waived.

19 Given under my hand this 18th day of June,
 20 2000.



24
25

James A. Stewart

 Notary Public, State of
 West Virginia at Large

My Commission expires January 24, 2002.

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I N D E X

BY MR.
ANDERSON

WITNESS

Susan M. Combs

4

E X H I B I T S

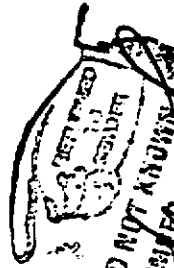
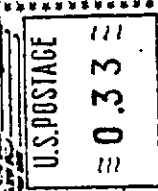
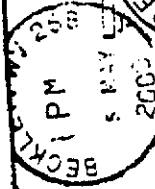
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No. 3	8	8
No. 4	10	10
No. 5	11	11
No. 6	12	12
No. 7	16	17
No. 8	17	17
No. 9	19	19
No. 10	21	21
No. 11	22	22
No. 12	23	23

Reporter's Certificate

Page 27

West Virginia Board of Dental Examiners
PO Drawer 1459
Beckley, WV 25802-1459



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Dr. Robert Levings
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Dr. Robert Levings
791 North Pine Island Road
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Dr. Timothy Ray
P. O. Box 4756
Cleveland TN 37320

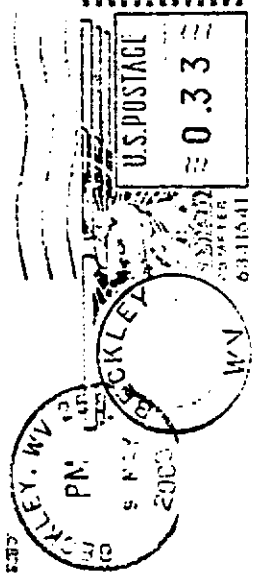
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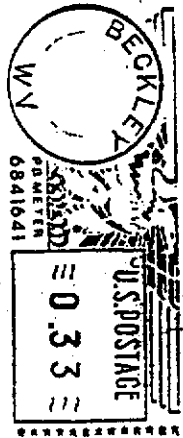
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #1

NOTICE OF A PUBLIC HEARING ON A PROPOSED RULE

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

RULE TYPE: Legislative CITE AUTHORITY: 30-1-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 3

TITLE OF RULE BEING PROPOSED: Fees Established by Board

DATE OF PUBLIC HEARING: Friday, June 9, 2000 TIME: 1:00 p.m.

LOCATION OF PUBLIC HEARING: West Virginia Board of Dental Examiners
207 South Heber Street
Beckley, WV 25801

COMMENTS LIMITED TO: ORAL WRITTEN BOTH
COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: West Virginia Board of Dental Examiners
PO Drawer 1459
Beckley, WV 25802-1459

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

DEPOSITION
EXHIBIT

Authorized Signature
Executive Secretary

21

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees Established by Board

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Dental Examiners

Address: PO Drawer 1459
Beckley, WV 25802-1459

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	229,850.00	224,550.00	240,000.00
PERSONAL SERVICES	0	0	101,450.00	101,550.00	110,000.00
CURRENT EXPENSE	0	0	89,000.00	81,600.00	83,500.00
REPAIRS & ALTERATIONS	0	0	1,500.00	1,500.00	1,500.00
EQUIPMENT	0	0	5,000.00	5,000.00	5,000.00
OTHER	0	0	32,900.00	34,900.00	40,000.00

2. Explanation of Above Estimates:

Increase in annual information and renewal fees from \$75.00 to \$125.00. Increase in annual revenue projected to be \$60,000.00.

3. Objectives of These Rules:

Board has worked on surplus in the past which no longer exists. Increase is needed to allow the Board to continue the proper performance of it's duties for the citizens of the State of West Virginia since the surplus is being depleted.

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

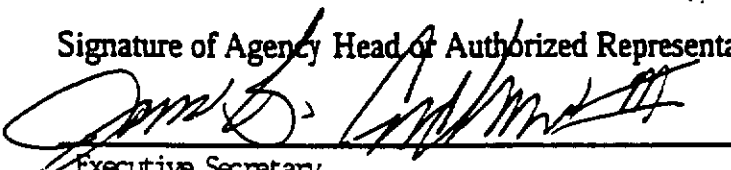
None

C. Economic Impact on Citizens/Public at Large.

None

Date: 4-28-2000

Signature of Agency Head or Authorized Representative:


Executive Secretary

TITLE 5
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF DENTAL EXAMINERS

SERIES 3
FEES ESTABLISHED BY THE BOARD

§5-3-1. General.

- 1.1. Scope. - This legislative rule increased the annual information and renewal for dentists from \$75.00 to \$125.00 as set forth in Chapter 30-4-17b.
- 1.2. Authority. - §30-4-4A and §30-1-6
- 1.3. Filing Date. -
- 1.4. Effective Date. -

§5-3-2. Schedule of fees.

- 2.1. Annual Information & Renewal fee
Dentists \$125.00

SUMMARY OF PROPOSED RULE

To increase the annual information and renewal for dentists from \$75.00 to \$125.00 as set forth in Chapter 30, Article 4, Section 17b.

STATEMENT OF CIRCUMSTANCES

Promulgation for implementation of §30-1-1 et. seq. For implementation to raise annual information and renewal of dentists from \$75.00 to \$125.00 to allow Board to continue the proper performance of its duties.

STATEMENT OF PURPOSE

To enable the Board to continue to carry out effectively their responsibilities of licensure registration and discipline of individuals subject to their authority by increasing the annual information and renewal fees for dentists from \$75.00 to \$125.00.

George D. Conrad, Jr., DDS
President
6353 East Pea Ridge Road
Huntington, WV 25705



WEST VIRGINIA BOARD OF DENTAL EXAMINERS
PO DRAWER 1459
BECKLEY, WV 25802-1459
(304) 252-8266
(304) 252-2779

Thomas S. Wilkerson, DDS
1400 Kanawha Boulevard, East
Charleston, WV 25301

H. Richard Marshall, Jr., DDS
120 Maplewood Avenue
Ronceverte, WV 24970

Mrs. Dina Agnone Vaughan, BSDH, MS
151 May Apple Trail
Lewisburg, WV 24901

Mrs. Dolores L. Gribble
11 Davis Place
Clarksburg, WV 26301

John F. Parkulo
Assistant Executive Secretary
PO Drawer 1459
Beckley, WV 25802-1459

John C. Dixon, DDS
Secretary
161 Parkwood Road
Charleston, WV 25314

Bernard J. Grubler, DDS
21 Damian Road
Wheeling, WV 26003

James G. Anderson, III
Executive Secretary
PO Drawer 1459
Beckley, WV 25802-1459

May 1, 2000

Ms. Judy Cooper
Office of the Secretary of State
Administrative Law Division
Capitol Complex
Charleston, WV 25305

Dear Ms. Cooper:

It would be appreciated if the Secretary of State's office would file the enclosed Notice of Hearing on a Proposed Rule with attachments and place the same on the State Register. Please 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.

I wish to thank you for your help and cooperation. The Board greatly appreciates it.

Very truly yours,

A handwritten signature in black ink, appearing to read "James G. Anderson, III".

JAMES G. ANDERSON, III
Executive Secretary

JGA/smc
Enclosure

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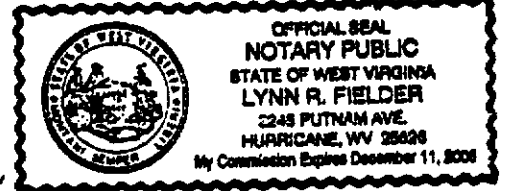
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State of West Virginia, **AFFIDAVIT OF PUBLICATION**

Sandra Legg _____ of



THE CHARLESTON GAZETTE, A DAILY DEMOCRATIC NEWSPAPER, published in the city of Charleston, Kanawha County, West Virginia, do solemnly swear that the annexed notice of:

PUBLIC HEARING
was duly published in said paper(s) during the dates listed below, and was posted at the front door of the court house of said Kanawha County, West Virginia, on the 9TH day of MAY 2000. Published during the following dates: 05/08/00-05/08/00
Subscribed and sworn to before me this 6 day of June
Printers fee \$ 30.56

Lynn R. Fielder
Notary Public of Kanawha County, West Virginia

George D. Conrad, Jr., DDS
President
6353 East Pea Ridge Road
Huntington, WV 25705



WEST VIRGINIA BOARD OF DENTAL EXAMINERS
PO DRAWER 1459
BECKLEY, WV 25802-1459
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(304) 252-2779

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1400 Kanawha Boulevard, East
Charleston, WV 25301

H. Richard Marshall, Jr., DDS
120 Maplewood Avenue
Ronceverte, WV 24970

John C. Dixon, DDS
Secretary
61 Parkwood Road
Charleston, WV 25314

Mrs. Dina Agnone Vaughan, BSDH, MS
151 May Apple Trail
Lewisburg, WV 24901

Bernard J. Grubler, DDS
21 Damian Road
Wheeling, WV 26003

Mrs. Dolores L. Gribble
11 Davis Place
Clarksburg, WV 26301

James G. Anderson, III
Executive Secretary
PO Drawer 1459
Beckley, WV 25802-1459

John F. Parkulo
Assistant Executive Secretary
PO Drawer 1459
Beckley, WV 25802-1459

May 1, 2000

Mr. Richard Stevens
West Virginia Dental Association
2003 Quarrier Street
Charleston, WV 25311

Dear Mr. Stevens:

Please find enclosed a copy of a proposed rule, Title Number 5, Series 3, Rules for the West Virginia Board of Dental Examiners and a Notice of Public Hearing which will be published in the Charleston Gazette, Monday, May 8, 2000 or Tuesday, May 9, 2000.

If you have any questions please do not hesitate to contact this office.

Very truly yours,

JAMES G. ANDERSON, III
Executive Secretary

JGA/smc
Enclosure

**DEPOSITION
EXHIBIT**

44

George D. Conrad, Jr., DDS
President
6353 East Pea Ridge Road
Huntington, WV 25705



Thomas S. Wilkerson, DDS
1400 Kanawha Boulevard, East
Charleston, WV 25301

John C. Dixon, DDS
Secretary
61 Parkwood Road
Charleston, WV 25314

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Executive Secretary
PO Drawer 1459
Beckley, WV 25802-1459

Mrs. Dolores L. Gribble
11 Davis Place
Clarksburg, WV 26301

John F. Parkulo
Assistant Executive Secretary
PO Drawer 1459
Beckley, WV 25802-1459

**DEPOSITION
EXHIBIT**

#5

May 1, 2000

WV Dental Assistants Association
Mrs. Beverly Stevens
5 Players Club Drive
Condo B203
Charleston, WV 25311

Dear Mrs. Stevens:

Please find enclosed a copy of a proposed rule, Title Number 5, Series 3, Rules for the West Virginia Board of Dental Examiners and a Notice of Public Hearing which will be published in the Charleston Gazette, Monday, May 8, 2000 or Tuesday, May 9, 2000.

If you have any questions please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in cursive script, appearing to read "James G. Anderson, III".

JAMES G. ANDERSON, III
Executive Secretary

JGA/smc
Enclosure

George D. Conrad, Jr., DDS
President
6353 East Pea Ridge Road
Huntington, WV 25705

John C. Dixon, DDS
Secretary
61 Parkwood Road
Charleston, WV 25314

Bernard J. Grubler, DDS
21 Damian Road
Wheeling, WV 26003

James G. Anderson, III
Executive Secretary
PO Drawer 1459
Beckley, WV 25802-1459



WEST VIRGINIA BOARD OF DENTAL EXAMINERS
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BECKLEY, WV 25802-1459
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Charleston, WV 25301

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Lewisburg, WV 24901

Mrs. Dolores L. Gribble
11 Davis Place
Clarksburg, WV 26301

John F. Parkulo
Assistant Executive Secretary
PO Drawer 1459
Beckley, WV 25802-1459

May 1, 2000

Mrs. Robyn J. Allen
West Virginia Dental Hygienists' Association
PO Box 566
Pinch, WV 25156

Dear Mrs. Allen:

Please find enclosed a copy of a proposed rule, Title Number 5, Series 3, Rules for the West Virginia Board of Dental Examiners and a Notice of Public Hearing which will be published in the Charleston Gazette, Monday, May 8, 2000 or Tuesday, May 9, 2000.

If you have any questions please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in black ink, appearing to read "James G. Anderson, III".

JAMES G. ANDERSON, III
Executive Secretary

JGA/smc
Enclosure

**DEPOSITION
EXHIBIT**

#6

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

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NOTICE OF A PUBLIC HEARING ON A PROPOSED RULE

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

RULE TYPE: Legislative CITE AUTHORITY: 30-1-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 3

**DEPOSITION
EXHIBIT**

TITLE OF RULE BEING PROPOSED: Fees Established by Board #7

DATE OF PUBLIC HEARING: Friday, June 9, 2000 TIME: 1:00 p.m.

LOCATION OF PUBLIC HEARING: West Virginia Board of Dental Examiners
207 South Heber Street
Beckley WV 25801

John B. ...
will not draw any
fees

COMMENTS LIMITED TO: ORAL WRITTEN BOTH
COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: West Virginia Board of Dental Examiners
PO Drawer 1459
Beckley, WV 25802-1459

Department requests that persons wishing to make
comments at the hearing make an effort to submit written
comments in order to facilitate the review of these comments.

Comments to be heard shall be limited to the proposed rule.

BRIEF SUMMARY OF YOUR PROPOSAL

John B. ...

Authorized Signature
Executive Secretary

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APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees Established by Board

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Dental Examiners

Address: PO Drawer 1459 Beckley, WV 25802-1459

1. Effect of Proposed rule:

	ANNUAL		FISCAL YEAR	
	1981	1982	1981	1982
ESTIMATED TOTAL COST	0	0	229,830.00	229,830.00
PERSONAL SERVICES	0	0	101,450.00	101,450.00
CURRENT EXPENSE	0	0	89,000.00	81,600.00
REPAIRS & ALTERATIONS	0	0	1,500.00	1,500.00
EQUIPMENT	0	0	5,000.00	5,000.00
OTHER	0	0	32,900.00	39,900.00

2. Explanation of Above Estimates: Increase in annual information and renewal fees from \$75.00 to \$125.00. Increase in annual revenue projected to be \$60,000.00.

3. Objectives of These Rules: The rules worked on surplus in the past which no longer exists. Increase is needed to allow the Board to cover the costs of the citizens of the State of West Virginia.

Rule Title: Fees Established by Board

1. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government: None

B. Economic Impact on Political Subdivisions, Specific Industries, Specific Groups of Citizens: None

C. Economic Impact on Citizens/Public at Large: None

Date: 4-28-2000

Signature of Agency Head or Authorized Representative: *[Signature]*
Executive Secretary

DR. KARL J. FOOSE
4100 S. Dixie Highway, Suite A
West Palm Beach, FL 33405



KIRIT PUJARA, D.D.S.

Family Dentist

11950 MacCorkle Avenue, #201

Chesapeake, WV 25315

Telephone (304) 949-1051

Dt. 05-12-00

Dear W.V. Board of Dental Examiners,

I oppose the increase of renewal fees for dentists from \$75 to \$125. It is a 67% increase on the fees. I feel that the board should cut down current unnecessary expenses to balance their budget. This is my opinion. This should be discussed in W.V. Dental Association meeting before any change done in renewal fee.

Yours sincerely

Kirit Pujara, D.D.S.

**DEPOSITION
EXHIBIT**

48

RECEIVED MAY 16 2000

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #1

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NOTICE OF A PUBLIC HEARING ON A PROPOSED RULE

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

RULE TYPE: Legislative CITE AUTHORITY: 30-1-6

AMENDMENT TO AN EXISTING RULE: YES ___ NO x

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 3

TITLE OF RULE BEING PROPOSED: Fees Established by Board

DATE OF PUBLIC HEARING: Friday, June 9, 2000 TIME: 1:00 p.m.

LOCATION OF PUBLIC HEARING: West Virginia Board of Dental Examiners
207 South Heber Street
Beckley, WV 25801

COMMENTS LIMITED TO: ORAL ___ WRITTEN x, BOTH ___

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: West Virginia Board of Dental Examiners
PO Drawer 1459
Beckley, WV 25802-1459

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL



Authorized Signature
Executive Secretary

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees Established by Board

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Dental Examiners

Address: PO Drawer 1439 Beckley, WV 25802-1439

1. Effect of Proposed rule:

	ANNUAL		FISCAL YEAR	
	REVENUE	EXPENSES	1991	1992
ESTIMATED TOTAL COST	0	0	229,850.00	229,550.00
PERSONAL SERVICES	0	0	101,450.00	101,350.00
CURRENT EXPENSE	0	0	89,000.00	91,600.00
REPAIRS & ALTERATIONS	0	0	1,500.00	1,500.00
EQUIPMENT	0	0	5,000.00	5,000.00
OTHER	0	0	17,900.00	30,000.00

1. Explanation of Above Estimates: Increase in annual revenue from \$75,000 to \$125,000. Increase in annual revenue projected to be \$50,000.00.

2. Objectives of These Rules:

Board has worked on surplus in the past which no longer exists. Increase is needed to allow the Board to continue the proper performance of it's duties for the citizens of the State of West Virginia since the surplus is being depleted.

Rule Title: Fees Established by Board

1. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government: None

B. Economic Impact on Political Subdivisions: Specific Industries: Specific Groups of Citizens: None

C. Economic Impact on Citizens/Public at Large: None

Date: 4.28.2000

Signature of Agency Head: Authorized Representative: *[Signature]*
Executive Secretary

Michael H. Shahan, DDS, MS

Diplomate of the American Board of Periodontology
(304) 422-8400

Practice Limited To
Periodontics and Dental Implants

2000 Dudley Avenue, Suite 2
Parkersburg, WV 26101

May 30, 2000

West Virginia Board of Dental Examiners
P.O. Drawer 1459
Beckley, WV 25802-1459

Subject: Comment on proposed rule change.

Dear Sir:

I would like to make a suggestion to be considered at the hearing on a proposed rule change covering the fees charged for renewal of the dental license.

I suggest that the Board issue a license renewal every two years. The fee should be set at about \$200.00 to \$225.00.

This change would provided the increased funds to the board, but reduce the need for manpower in the board office dedicated to processing renewals yearly. Additionally, as a license holder I would benefit because I would only have to fill out the renewal form once every two years. This schedule would also put continuing education on the same schedule as the license renewal.

Several of my dental licenses in other states are administered in this manner and it works well.

Sincerely,



Michael H. Shahan, DDS

**DEPOSITION
EXHIBIT**

#9

RECEIVED MAY 31 2000

Mark S. Quagliotti, B.A., D.D.S.
2014 Pecan Drive
Portland, TX 78374-2915

Or

CDR Mark S. Quagliotti, DC, USN
Dental Officer
USS INCHON (MCS-12)
FPO AA 34091-1655

20 May, 2000

The Honorable Ken Hechler
Secretary of State
State of West Virginia

Re: Proposed Rule Increasing Fees Established by West Virginia Board of Dental Examiners
(Title Number 3; Rule Type – Legislative; Cite Authority – 30-1-6)

Dear Mr. Secretary,

As a lifelong resident of West Virginia, and proud member of its constituent dental society since 1985, this opportunity to comment on the proposed fee increase by the West Virginia Board of Dental Examiners demands my personal comments, along with most respectful request of your consideration of potential modifications and/or amendments to potential new rules.


By way of brief introduction, I am currently a member of the United States Navy currently assigned to sea duty aboard the USS INCHON – homeported in Ingleside, Texas. I have exercised my privilege of maintaining my "home of record" / place of residence in Barbour County since my entry to naval service in October, 1985. As part of my professional requirements to practice dentistry as a member of the U.S. Navy Dental Corps, I am required to maintain an "active" state licensure – which I have consistently maintained via the West Virginia Board of Dental Examiners since my initial board qualification in 1985. I would conclude that I hold my West Virginia residence, Dental profession (including West Virginia licensure), and my naval career in the highest esteem – warranting my strongest commitment to all.

Military Service Exemption / Discount. In your hearings on this proposed rule, I would very respectfully invite consideration of those members serving on continuous active duty – particularly in regard to a designated discount, or even exemption from these fees required to hold said licensure. To those serving on military active duty – most often in locations other than the State of West Virginia – benefits other than verification of record are minimal with respect to this membership. As other states currently extend this courtesy to dental members (dentists) serving on active duty, I suspect that West Virginia could as well – with minimal financial burden placed upon the Board of Dental Examiners.

Modification of Annual Licensure Document. Currently, annual license renewal is provided via a 3-½ inch by 5-½ inch "post card". My personal opinion is that while obviously economical, this particular format is not in order with the import of this annual verification. In my own experience, this annual "post card" has – via Fleet Post Offices – been delivered to me aboard various ships and overseas billets – often arriving in a tattered and worn state. I would most certainly hope that in the event of a \$50.00 (66 2/3 %) increase in licensure fee would allow, at a minimum, enclosure of this document in a protective envelope and first class postage. While at first blush this may appear a rather petty request, I would revisit my personal pride in this membership and historical experience with providing required documentation to my governing military authorities via a virtual "scrap" of paper.

Thank you for your consideration in this matter.

Sincerely,



Mark S. Quagliotti
Commander, Dental Corps, United States Navy

**DEPOSITION
EXHIBIT**
#10

Cc: West Virginia Board of Dental Examiners

RECEIVED MAY 30 2000

Mark S. Quagliotti, B.A., D.D.S.
2014 Pecan Drive
Portland, TX 78374-2915

Or
CDR Mark S. Quagliotti, DC, USN
Dental Officer
USS INCHON (MCS-12)
FPO AA 34091-1855

20 May, 2000

The Honorable Ken Hechler
Secretary of State
State of West Virginia

Re: Proposed Rule Increasing Fees Established by West Virginia Board of Dental Examiners
(Title Number 3; Rule Type - Legislative; Cite Authority - 30-1-6)

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Modification of Annual Licensure Document. Currently, annual license renewal is provided via a 3-1/2 inch by 5-1/2 inch "post card". My personal opinion is that while obviously economical, this particular format is not in order with the import of this annual verification. In my own experience, this annual "post card" has - via Fleet Post Offices - been delivered to me aboard various ships and overseas billets - often arriving in a tattered and worn state. I would most certainly hope that in the event of a \$50.00 (88 2/3 %) increase in licensure fee would allow, at a minimum, enclosure of this document in a protective envelope and first class postage. While at first blush this may appear a rather petty request, I would revisit my personal pride in this membership and historical experience with providing required documentation to my governing military authorities via a virtual "scrap" of paper.

Thank you for your consideration in this matter.

Sincerely,



Mark S. Quagliotti
Commander, Dental Corps, United States Navy

Cc: West Virginia Board of Dental Examiners

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

MAY 30 10 55 AM '00

FILED

RECEIVED MAY 31 2000

June 6, 2000

West Virginia Board of Dental Examiners
PO Drawer 1459
Beckley, WV 25802-1459

Dear Board Members:

The following comment is in regard to the proposed increase in the cost of the License for Dentistry from \$75.00 to \$125.00.

I am in agreement that it is time to increase the fee in order to have the budget for the Dental Board to operate in a modern fashion.

I am concerned that there would still be a single fee, regardless of practice status. I believe that the fee should be raised only for full time practitioners. Part-time practitioners should be held at the current \$75.00 fee for part-time practice up to 16 hours per week. With this fee structure, there would be a more fair relationship between the income derived from practice and the cost of licensure. A model for this exists in the malpractice insurance industry. The malpractice insurance premium is pro-rated according to the Dentists practice time per week, the demarcation between part-time and full-time being 16 hours per week.

I ask that you give full and serious consideration to this comment.



Donald J. Morrison, DDS, MS
Practice Limited to Periodontics
Green at Main St. Box 1147
Bruceeton Mills, WV 26525

**DEPOSITION
EXHIBIT**

#11

RECEIVED JUN 09 2000

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Do Not Mark In This Box

Form #1

NOTICE OF A PUBLIC HEARING ON A PROPOSED RULE

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

RULE TYPE: Legislative CITE AUTHORITY: 30-1-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 3

TITLE OF RULE BEING PROPOSED: Fees Established by Board

DATE OF PUBLIC HEARING: Friday, June 9, 2000 TIME: 1:00 p.m.

LOCATION OF PUBLIC HEARING: West Virginia Board of Dental Examiners
207 South Heber Street
Beckley, WV 25801

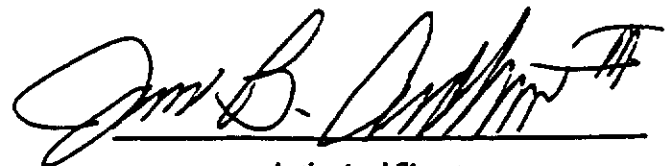
COMMENTS LIMITED TO: ORAL WRITTEN BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: West Virginia Board of Dental Examiners
PO Drawer 1459
Beckley, WV 25802-1459

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL



Authorized Signature
Executive Secretary

Dr. G C White
1900 Blizzard Dr.
Parkersburg, WV, 26101

5-24-00

West Virginia Board of Dental Examiners
P O Drawer 1459
Beckley, WV 25802

Dear Sirs:

I would like to comment on the renewal fee from \$75.00 to \$125.00. I feel this is very reasonable and I would like to let you know that I support this small increase.

The State of WV increased the renewal fee for a LLC 100% this year.

Yours



G C White DDS

**DEPOSITION
EXHIBIT**

#12

RECEIVED MAY 25 2000

FISCAL NOTE FOR PROPOSED RULES

APPENDIX B

Rule Title: Fees Established by Board

Type of Rule: 2 Legislative Interpretive Procedural

Agency: West Virginia Board of Dental Examiners

Address: PO Drawer 1459
Beckley, WV 25802-1459

1. Effect of Proposed rule:

	ANNUAL		FISCAL YEAR	
	REVENUE	EXPENSE	REVENUE	EXPENSE
ESTIMATED TOTAL COST	0	0	229,650.00	229,500.00
PERSONAL SERVICES	0	0	01,450.00	01,500.00
CURRENT EXPENSE	0	0	09,000.00	01,600.00
REPAIRS & ALTERATIONS	0	0	1,500.00	1,500.00
EQUIPMENT	0	0	5,000.00	5,000.00
OTHER	0	0	32,900.00	36,900.00

1. Explanation of Above Estimates:
Increase in annual information and renewal fees from \$15.00 to \$125.00. Increase in annual revenue projected to be \$60,000.00.

2. Objectives of These Rules:

Board has worked on surplus in the past which no longer exists. Increase is needed to allow the Board to continue the proper performance of it's duties for the citizens of the State of West Virginia since the surplus is being depleted.

Rule Title: Fees Established by Board

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

B. Economic Impact on Political Subdivisions: Specific Industries: Specific Groups of Citizens:

None

C. Economic Impact on Citizens/Public at Large:

None

Date: 4-28-2008

Signature of Agency Head/Authorized Representative:

[Signature]
Executive Secretary

George D. Conrad, Jr., DDS
President
6353 East Pea Ridge Road
Huntington, WV 25705



WEST VIRGINIA BOARD OF DENTAL EXAMINERS
PO DRAWER 1459
BECKLEY, WV 25802-1459
(304) 252-8266
(304) 252-2779

John C. Dixon, DDS
Secretary
1961 Parkwood Road
Charleston, WV 25314

Bernard J. Grubler, DDS
21 Damian Road
Wheeling, WV 26003

James G. Anderson, III
Executive Secretary
PO Drawer 1459
Beckley, WV 25802-1459

Thomas S. Wilkerson, DDS
1400 Kanawha Boulevard, East
Charleston, WV 25301

H. Richard Marshall, Jr., DDS
120 Maplewood Avenue
Ronceverte, WV 24970

Mrs. Dina Agnone Vaughan, BSDH, MS
151 May Apple Trail
Lewisburg, WV 24901

Mrs. Dolores L. Gribble
11 Davis Place
Clarksburg, WV 26301

John F. Parkulo
Assistant Executive Secretary
PO Drawer 1459
Beckley, WV 25802-1459

June 23, 2000


Ms. Judy Cooper
Office of the Secretary of State
Administrative Law Division
Capitol Complex
Charleston, WV 25305

Dear Ms. Cooper:

It would be appreciated if the Secretary of State's office would file the enclosed Agency Approved Rule and deliver 15 copies to LRMRC. Please return to us one 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.

I wish to thank you for your help and cooperation. The Board greatly appreciates it.

Very truly yours,


JAMES G. ANDERSON, III
Executive Secretary

JGA/smc
Enclosures