

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

FILED

2004 AUG 25 P 4:17

OFFICE 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; 30-4-1 et seq.

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Fees Established by The Board

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

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

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: August 25, 2004

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Board of Dental Examiners
207 South Heber Street
Beckley, WV 25801

LEGISLATIVE RULE TITLE: Fees Established by the Board

1. Authorizing statute(s) citation 30-1-6 & 30-4-1 et seq

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

June 11, 2004

b. What other notice, including advertising, did you give of the hearing?
Comment Period Only - Noticed in the State Register, sent notification to all licensees by letter dated June 10, 2004 with copy of proposed rule filing attached, posted on our web site and notified the West Virginia Dental Association, West Virginia Dental Hygiene Association and West Virginia Dental Assistants Association by letter dated June 10, 2004.

c. Date of Public Hearing(s) *or* Public Comment Period ended:

July 12, 2004 4:00 p.m.

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

Attached yes No comments received _____

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

August 25, 2004

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

John E. Parkulo
West Virginia Board of Dental Examiners
207 South Heber Street
Beckley, WV 25801

- 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 as item "f"

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 Comment period only

b. Date of hearing or comment period:

Comment period ended July 12, 2004 at 4:00 p.m.

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

August ²⁵, 2004

d. Attach findings and determinations and reasons:

Attached Yes

SUMMARY OF PROPOSED RULE

To increase various application and renewal fees as well as charging for services currently supplied by the board that are not recouped at this time but are services charged by other State boards.

STATEMENT OF CIRCUMSTANCES

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 various application and renewal fees as well as charging for services currently supplied by the board that are not recouped at this time, in order to prepare for increased costs of office expenses anticipated in the short term, including but not limited to, rent increase/relocation costs, additional legal expenses, increased costs associated with two additional Board Members, anticipated costs of hiring a hearing examiner; increased costs of insurance premiums, and future considerations to salary increases to current employees.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees Established By The Board

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Dental Examiners

Address: 207 South Heber Street
Beckley, WV 25801

1. Effect of Proposed rule: These amounts are only estimated and would be appropriated to the proper budget line items to meet the boards needs if increases are passed.

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	100,000.00	0	273,000.00	273,000.00	373,000.00
PERSONAL SERVICES	30,450.00	0	129,550.00	129,420.00	160,000.00
CURRENT EXPENSE	52,850.00	0	90,150.00	88,980.00	143,000.00
REPAIRS & ALTERATIONS	2,000.00	0	1,000.00	500.00	3,000.00
EQUIPMENT	4,500.00	0	7,500.00	6,500.00	12,000.00
OTHER Emp. Benefits	10,200.00	0	44,800.00	47,600.00	55,000.00

2. Explanation of Above Estimates:

Estimates are based on projections of increase in application, renewal and permit fees only, misc. fees not included due to lack of supportive data.

3. Objectives of These Rules:

To increase the Annual Budget of the Board as set forth in the Statement of Circumstances.

Rule Title: Fees Established By The Board

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

To allow the Board of Dental Examiners to effectively discharge their responsibilities as set forth in the Statement of Circumstances.

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

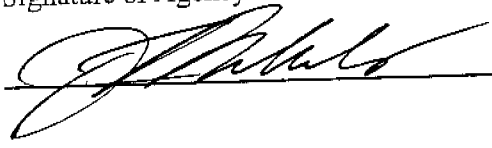
Nominal increase in application, renewal and permit fees associated with the practice of dentistry in the State of West Virginia.

C. Economic Impact on Citizens/Public at Large.

Possible nominal increase in costs of Dental Services in the State of West Virginia.

Date: June 10, 2004

Signature of Agency Head or Authorized Representative:



A handwritten signature in cursive script is written over a horizontal line.

FILED

TITLE 5
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF DENTAL EXAMINERS

2000 AUG 25 P 4: 18

SERIES 3
FEES ESTABLISHED BY THE BOARD

OFFICE WEST VIRGINIA
SECRETARY OF STATE**§5-3-1. General.**

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

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

2.1. Dental Licensure Application	\$50.00 <u>\$150.00</u>
<u>2.2. Re-examination fee for Dentists (Law Exam)</u>	<u>\$20.00</u>
2.2. <u>2.3. Out of State Dentist - Dental Licensure Application</u>	\$100.00 <u>\$250.00</u>
2.3. <u>2.4. Temporary Permit</u>	\$100.00 <u>\$150.00</u>
2.4. <u>2.5. Dental Intern/Dental Residency Permit</u>	\$50.00 <u>\$100.00</u>
2.5. <u>2.6. Teaching Permit</u>	\$100.00 <u>\$150.00</u>
2.6. <u>2.7. Investigation of Qualification for Temporary, Dental Intern/Dental Residency or Teaching Permits</u>	\$50.00
2.7. <u>2.8. Annual Information & Renewal fee for a <u>General</u> Dentist Practicing In State</u>	\$125.00 <u>\$150.00</u>
<u>2.9. Annual Information & Renewal fee for an Out of State General Dentist</u>	<u>\$200.00</u>

§5-3-53. Schedule of fees for Specialty Licensure for Dentists.

<u>53.1. Dental Specialty Licensure Application</u>	\$300.00 <u>\$450.00</u>
<u>3.2. Annual Information & Renewal fee for Dental Specialty</u>	<u>\$200.00</u>

§5-3-34 Schedule of Fees for Hygienists.

34.1. Dental Hygiene Licensure Application	\$35.00 <u>\$60.00</u>
34.2. Re-examination fee for Dental Hygienists (<u>Law Exam</u>)	\$10.00 <u>\$20.00</u>
34.3. Out of State Dental Hygienist - Dental Hygienist Licensure Application	\$50.00 <u>\$100.00</u>
34.4. Temporary Permit	\$100.00
34.5. Teaching Permit	\$100.00
34.6. Investigation of Qualification for Temporary, Dental Intern/Dental-Residency or Teaching Permits	\$50.00
34.7. Annual Information & Renewal fee for a Dental Hygienist Practicing In State	\$50.00 <u>\$65.00</u>
34.8. <u>Annual Information & Renewal fee for Out of State Dental Hygienist</u>	<u>\$85.00</u>

§5-3-45. Schedule of Fees for Dental Corporations.

45.1. Application to Form a Dental Corporation	\$200.00
45.2. Annual Registration <u>renewal</u> fee for a Dental Corporation	\$150.00

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

<u>5.1 Application to Form a Dental Professional Limited Liability Company</u>	<u>\$200.00</u>
<u>5.2. Annual Renewal fee for a Professional Limited Liability Company</u>	<u>\$150.00</u>

§5-3-6. Schedule of fees for Anesthesia.

<u>6.1. Class Two Certification Application Fee</u>	<u>\$50.00</u>
<u>6.2. Class Two Certification Renewal Fee</u>	<u>\$25.00</u>
<u>8.3. Class Three or Four Permit Application Fee</u>	<u>\$600.00</u>
<u>8.4. Class Three or Four Permit Renewal Fee</u>	<u>\$200.00</u>

§5-3-67. Schedule for Miscellaneous Fees.

67.1. <u>Verification of Licensure to another State (Charge for licensee)</u>	\$10.00 <u>\$25.00</u>
7.2. <u>Verification of Licensure (other entities)</u>	<u>\$25.00 per name</u>
7.3. <u>Course approval application fee</u>	<u>\$100.00</u>
7.4. <u>Duplicate renewal license</u>	<u>\$5.00</u>
7.5. <u>Duplicate wall certificate</u>	<u>\$10.00</u>
7.6. <u>Roster of Active Dental/Hygiene Licensees (paper, email or cd)</u>	<u>\$50.00 per list</u>
7.7. <u>Roster of Active Dental/Hygiene Licensees (labels)</u>	<u>\$100.00 per list</u>
7.8. <u>Roster of Active Dental/Hygiene Licensees (one county) (paper, email or labels)</u>	<u>\$10.00 per list</u>
7.9. <u>Miscellaneous Copies (first page) additional pages</u>	<u>\$3.00</u> <u>\$0.25</u>
7.10. <u>Retrieval Fee</u>	<u>\$25.00</u>

§5-3-8. Late Renewal and Late Continuing Education Fees

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

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

§5-3-9. Returned Checks.

9.1. Returned Check Charge \$25.00

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

§5-3-10. Non Refundable.

10.1. All fees are non-refundable.

COMMENTS RECEIVED

1. Dr. Dennis A. Burns
2. Judith H. McClain
3. Dr. Kevin M. Conde
4. Drs. Bryan D. Dye & Loa D. Graves
5. Dr. David E. Burkhardt
6. Unknown
7. Dr. Jerry A. Mayer
8. Alice Snider
9. Dr. Cynthia Branson
10. Dr. James C. Lanham
11. Deborah R. Lanham
12. Lisa Dean
13. Connie L. Basham
14. Dr. Daniel I. Joseph, President, West Virginia Dental Association
15. Karen Rowe
16. Dr. William J. Rosenfeld
17. Sharon S. Hinchman
18. Mark A. Byron
19. Karen Avey
20. West Virginia Dental Hygienist's Association
21. Dr. A. B. Hammond

DENNIS A. BURNS, D.D.S.

June 15, 2004

RE: New Dental Board Rule Changes

Dear Mr. Parkulo:

As an out of state license holder since the 1970's, I would like the board to consider an inactive status for a dental license. Currently licensing, accrediting hospitals, malpractice carriers ect. ask about current and past actions and activities involving Any dental license held. You currently don't offer me a way to deactivate or retire this license without having to report your actions to these various entities. I acquired this license with the thought of possibly teaching at WVU or possibly practicing in the Wheeling are my childhood home. This status is a category that is offered by a number of other states and would be an assistance to me and no doubt other license holders. Thank you for your time and consideration of this possible addition to your licensee's choices.

Sincerely,



Dennis A. Burns D.D.S.
#2109

cc. USAR-DC

DAB/nc

JUN 17 2004

DATE: 6/16/2004
TO: WEST VIRGINIA BOARD OF DENTAL EXAMINERS, 207 SOUTH HUBER ST., BECKLEY, WV
25801
FROM: JUDITH H. MCCLAIN
RE: RULES CHANGE

RE: 5CSR3

#5-3-4.8 Annual Information & Renewal Fee for Out of State Dental Hygienist.

From the point of view of a Dental Hygienist licensed in West Virginia, I question the difference in fees for out of state Dental Hygienists. In the years since I was first licensed (1963), I have kept my license in West Virginia. Now I am back home at last after living and being licensed in four other states. My life has been one of a corporate spouse who has had to move many times. Why would you penalize Dental Hygienists who want to keep their licenses current even if an out of state relocation is involved?

Thank you,


Judith H. McClain, RDH

200 Southern Woods Dr.

South Charleston, WV 25309-8691

304-744-5511

remjam@charter.net

6/16/2004

JUN 18 2004

JOHNS & CONDE, D.D.S., INC.
STEPHEN S. JOHNS, D.D.S.
KEVIN M. CONDE, D.D.S.
PRACTICE OF FAMILY DENTISTRY

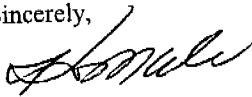
June 14, 2004

West Virginia Board of Examiners
207 S. Herber Street
Beckley, WV 25801

Dear John Parkulo:

After reading the proposed fee increase we were surprised by the amount of the relative increase, 33%, and wondered if smaller incremental increases could be implemented to account for the needed money. We would also appreciate a more detailed description of the money allocation. Specifically items such as, who received the outlays and for what.

Sincerely,



Kevin M. Conde, D.D.S.
KMC/mlh

JUN 18 2004

**Dr. (Lt. Col.) Bryan D. Dye
&
Dr. Lora D. Graves
1270 Spring Ash Drive
Centerville,
Ohio 45458**

West Virginia Board of Dental Examiners
207 South Heber Street
Beckley,
West Virginia 25801

Re: 5CSR1, 5CSR2, 5CSR3 & 5CSR6

Dear Sirs and/or Madams:

We wish to ask special consideration in your fee changes as they affect military and government employees temporarily practicing outside the State of West Virginia. We understand the necessity in your fee increase; however, we are still considered residents of the State of West Virginia and pay taxes to our home of record. We, also, plan to practice in some capacity when we return after Dr. Dye's retirement in five years.

Dr. Graves is a contract dentist with the Air Force, out of necessity, to keep her skills current. She served 10 years as an Active Duty Air Force member and supports her husband's desires to complete his 20 years of duty.

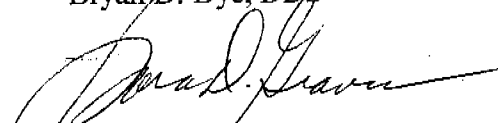
There are numerous officers we have served with over our careers who are licensed in the State of West Virginia and who, out of patriotism and a desire to serve our country, have given up the opportunity to have lucrative practices that can afford higher license fees; therefore, we again ask special consideration in not being charged the out-of-state fees.

We look forward to your response.

Sincerely,



Bryan D. Dye, DDS



Lora D. Graves, DDS

JUN 22 2004

STATEMENT OF CIRCUMSTANCES

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 various application and renewal fees as well as charging for services currently supplied by the board that are not recouped at this time, in order to prepare for increased costs of office expenses anticipated in the short term, including but not limited to, rent increase/relocation costs, additional legal expenses, increased costs associated with two additional Board Members, anticipated costs of hiring a hearing examiner, increased costs of insurance premiums, and future considerations to salary increases to current employees.

Realizing there are costs with increased workload; what is the % change in workload to justify 2 more Board members and hearing examiner? With the state losing population and maybe dental professionals why such a drastic increase. Possibly peg an increase to either the CPI (inflation) or case/work load? Also why charge out of states more?, they should not cause an increase in workload being out of state. Plus some are or have served many years in the military like myself and they might consider dropping out, even though loyal to WV in their heart. Believe the fees should be the same in fairness sake!

Sincerely
David E. Buntbrandt DDS

JUN 22 2006

WEST VIRGINIA SECRETARY OF STATE JOE MANCHIN, III ADMINISTRATIVE LAW DIVISION

Form #2

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

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

RULE TYPE: Legislative CITE AUTHORITY: 30-1-6 30-4-1 et seq

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Fees Established by The Board

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

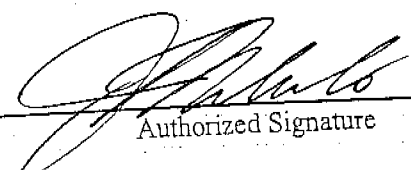
IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 12, 2004 AT 4:00 pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Board of Dental Examiners

207 South Heber Street

Beckley, WV 25801

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


Authorized Signature

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

Retired as of 9-30-03

office closed

JUN 22 2004



Jerry A. Mayer, D. M. D.

ORAL & MAXILLOFACIAL SURGERY

2301 South Seventh St.
Suite #1
Ironton, OH 45638
(740) 532-4613

2674 Fifth Avenue
Suite #2
Huntington, WV 25701
(304) 525-3631

June 16, 2004

West Virginia Board of Dental Examiners
207 South Heber Street
Beckley, WV 25801

Dear Board,

Please accept this response to licensing and fees.

Oral surgeons should be licensed if they are in good standing in their existing state of licensure for a period of 3-5 years. Many states are doing this now, and board certification is not necessary.

As to fee increases, Why are specialists charged more than general Dentists? That hardly seems fair. We already have anesthesia fees and increased malpractice. Please consider equalizing the fees.

Sincerely,

Jerry A. Mayer, D.M.D.
Oral Maxillofacial Surgeon

JUN 24 2004

June 27, 2004

WV Board of Dental Examiners
207 South Heber Street
Beckley, WV 25801

Re: Increases for Application and Renewal Fees

Dear Sir:

I am responding to the letter sent to me concerning increases for application and renewal fees. I live and work in Texas and hold a West Virginia Dental Hygienist license. The opinions I have are based on the issues we have in the Texas Legislature in which I am active. Our concern is getting more hygienists active in their profession and becoming members of ADHA, TDHA, and their component. I am sure you have this concern. Our biggest complaint is *cost*. If you *increase costs* will you *make this problem worse?*

My second thought concerning this issue is:

- I feel your proposed increases for out-of-state is excessive. It is a 70% increase. I feel that will encourage out-of-state hygienists to drop their West Virginia licenses. Instead of increasing revenue, it would be a negative.
- I think you need to look more into the timing and need to increase salaries and employee benefits. With the economy low, this may not be the time to make increases in application and renewal fees.

Sincerely,



Alice Snider, R.D.H.
2002 Williamsburg Ct. No.
League City, Texas 77573
Phone: 281-338-2101

JUL 01 2004

CYNTHIA A. BRANSON, D.D.S., M.S.
313 COURTHOUSE ROAD
PRINCETON, WEST VIRGINIA 24740

June 28, 2004

Re: Proposed rule changes to Title 5 Series 3 of the code of State Regulations concerning Board's fee schedule

Dear Board of Dental Examiners,


Having reviewed the proposed fee schedule and having noted both Virginia and North Carolina's board of dental examiner's fee schedule, I have to agree that we need to raise our fees to be competitive as well as to fund the proposed changes.

I would strongly suggest that we do not have a separate specialty and general dental license application cost but rather only a dental license application cost. Our bordering states do not separate the two professions but place them in the same category as dentists. In Virginia, there is a \$225 charge for a dental license application and \$150 for dental license renewal. In North Carolina, there is a \$500 charge for dental license application and \$229 for renewal. Due to the larger number of general dentists in the state compared to the specialists, an increase generally from \$150 to \$225 per dentist would generate additional income. Also, as a specialist looking to retire in the future practicing in a low income state, having an additional specialty cost further reduces the likelihood that a newly graduated orthodontist will consider West Virginia to practice over North Carolina or Virginia.

Enclosed are copies of what I received off the Internet from the Board of Dental Examiners in Virginia and North Carolina.

Thank you for your time.

Sincerely,



Cynthia Branson D.D.S., M.S.

JUL 01 2004

WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION

Do Not Mark In This Box

Form #2

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

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

RULE TYPE: Legislative CITE AUTHORITY: 30-1-6 30-4-1 et seq

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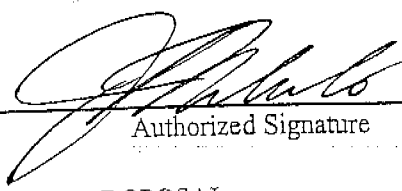
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 12, 2004 AT 4:00 pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Board of Dental Examiners
207 South Heber Street
Beckley, WV 25801

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


Authorized Signature

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

JUL 01 2004

North Carolina State Board of Dental Examiners

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ensuring dental profession merit

FEES

Dental Examination	\$500
Dental Licensure by Credentials	\$2000
Dental Hygiene Examination	\$125
Dental Hygiene Licensure by Credentials	\$750
Dental Provisional License	\$100
Dental Intern Permit	\$150
Instructor's License	\$140
Volunteer License	\$100
Dental Hygiene Provisional License	\$60
Dental License Renewal	\$229
Dental Hygiene License Renewal	\$106
Volunteer License Renewal	\$25
Instructor's License Renewal	\$140
Anesthesia/Sedation Application Fee	\$50
Anesthesia/Sedation Renewal	\$50
Anesthesia/Sedation Evaluation	\$275
Anesthesia/Sedation Site Inspection	\$175
Penalty Fee	\$50
PA/PLLC Registration	\$50
PA/PLLC Renewal	\$25
PA/PLLC Penalty	\$10
Duplicates	\$25
Certificate of Licensure	\$25
Dental Reinstatement	\$454
Dental Hygiene Reinstatement	\$166
Verification	\$15 per name
Dental Book (not licensed)	\$5
Newsletter	\$12
Mailing List/Labels	Click Here

[Request For Information](#) | [Feedback](#)

JUL 01 2004

Cynthia Branson

From: Board of Dentistry & NHA [DenNHA@dhp.virginia.gov]
Sent: Tuesday, June 22, 2004 9:20 AM
To: Cynthia Branson
Subject: RE: Specialty licensure for out of state

Thank you for your inquiry of the Board of Dentistry. The Board of Dentistry issues licenses for the practice of general dentistry. There is no license required to practice as a specialist in Virginia. The fee for a dental application is \$225.00 and the annual renewal for an active dental license is \$150.00. In order to obtain licensure in Virginia you must submit a completed application (including verification of licensure from other states, a report from the National Practitioner Data Bank, official transcripts, etc.). You are also required to provide a passing score on the jurisprudence exam and on the SRTA exam. I have provided a link to our website. You may read about requirements for licensure under the Regulations governing the practice of dentistry at 18 VAC 60-20-60. You may also download a copy of the dental application and instruction sheet from our webpage.

Claudia Mills
Board of Dentistry

-----Original Message-----

From: Cynthia Branson [mailto:cbranson@desktopmedical.com]
Sent: Monday, June 21, 2004 12:34 PM
To: Board of Dentistry & NHA

JUL 01 2004



JAMES C. LANHAM, D.D.S.

FAMILY DENTISTRY

115 EAST PALM DRIVE, LAKELAND, FLORIDA 33803

Telephone 863 - 688-1867

Fax 863 - 683-6602

West Virginia Board of Dental Examiners
207 S. Heber Street
Beckley, West Virginia 25801

June 28, 2004

Dear Sirs,

I am writing to inform you of my disagreement with your proposed out of state general dentist increase in license fees. I am a graduate of West Virginia University School of Dentistry and was born and raised in Morgantown. I left Morgantown in 1987 and moved to Florida in 1990. I have maintained my West Virginia license to date, as someday my wife and I may consider coming back to the state. My wife is a dental hygienist and practiced in West Virginia for 12 years before moving to Florida. She also maintains her West Virginia Dental Hygienist license.

I feel that your increase is quite unfair. First, why would you make your fees higher for a license, just because he or she does not practice in the state? I actually feel you should have an "inactive" status for those not practicing in the state of West Virginia and give them a small break in the actual license fee. Then, if a dentist who had an inactive status wanted to practice in West Virginia, you could charge a re-activation fee to make the license "active". I sincerely feel that you will lose revenue from your out of state dentists, as they may decide to drop their West Virginia dental license all together. I know several Florida dentists who used to be licensed in West Virginia who have already dropped their West Virginia license. I understand costs increase and know you must increase your license fees, but \$200.00 per year is too high. I only pay \$160 in Florida per year.

Should you wish to discuss this with me further, you may call me at the above telephone number. Your comments and thoughts are greatly and sincerely welcomed.

Sincerely,

James C. Lanham, D.D.S.

JUL 06 2004

Deborah R. Lanham, R.D.H., B.S.
115 East Palm Drive
Lakeland, Florida, 33803

West Virginia Board of Dental Examiners
207 S. Heber Street
Beckley, West Virginia 25801

June 30, 2004

Dear Sirs,

I am writing to inform you that I am very displeased with your proposed out of state dental hygienist increase in license fees. At the present time I am paying \$70.00 annually in the state of Florida.

I graduated from West Liberty State College and practiced 12 years before moving to the state of Florida. I continue to keep my license in West Virginia in hopes of coming back to the state.

Many professionals continue to maintain licenses in other states but your increase in fees is not very encouraging. Please reconsider your proposal for an increase.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah R. Lanham", followed by a long horizontal line extending to the right.

Deborah R. Lanham, R.D.H., B.S.

DRL/bb

JUL 06 2004

Dear W.V. Board of Dental Examiners,

June 21, 2004

I have reviewed the proposed changes to Title 5, Series 3 and I feel that it would be unwise to raise the fees for such things such as license or application fees. I am currently working in Pennsylvania, but still remain licensed in WV. I already have a renewal fee for one state that is important. I don't think that hygienists, assistants, or dentists would like to have to pay more to renew their license or have a higher fee to pay to apply for a license in WV, especially if they are already licensed in another state. If the fees are raised they may decide to drop their WV license and that could possibly lower the amount of dental professionals the state has licensed to practice in the state. I would like to remain licensed in your state, only for that fact that I needed to be licensed there to finish my degree from WLSC and I may decide to relocate.

I hope that all options are considered before a decision is made. Thank you for notifying me about the changes and hope that a reasonable decision is made.

Sincerely,



Lisa Dean RDH

.1111 06 2004

Connie L. Basham
RDH# 31-01-0599
79 Private Drive 10659
Chesapeake, OH 45619

June 30, 2004

WV Board of Dental Examiners
207 S. Heber Street
Beckley, WV 25801

Dear Sirs:

I am concerned about the proposed rule Title #5, Legislative, Cite authority 30-1-6 30-4-1 et seq. I cannot see how our dental hygiene fees should be raised since I have not received a raise in my profession during the 2 1/2 years that I have been working in this current dental office. My salary is lower than most other RDH in the state.

Our area is depressed and business has slowed down considerably. My boss says that he cannot raise my salary. I have a child who will be attending college this year and another child in school.

I hope that you consider my point of view. Thank you for your consideration.

Sincerely,

Connie L. Basham, RDH

JUL 06 2004

Daniel I. Joseph, D.D.S., M.S.

Specialist in Orthodontics and Dentofacial Orthopedics

1136 National Road
Wheeling, WV 26003



Phone 304-242-7222
FAX 304-242-1389

June 29, 2004

West Virginia Board of Dental Examiners
207 South Heber Street
Beckley, WV 25801

Dear Members of the Board,

I am writing to you to explain the position of the West Virginia Dental Association concerning the license fee increases that were recently proposed.

We did not have the benefit of a public hearing to appear before the Board to seek specific information about the proposed fee increases and the initiation of the new fees. This places the WVDA in a position of having to oppose the Board's proposal. This is to say that there may be justification to increase some fees and initiate some new fees, however, the WVDA does not have the benefit of such justification because the Board did not provide the information.

This Association's governing body, the WVDA Executive Council does not meet until July 15, 2004. This is three days after the close of the Board's 30-day period to receive written comments. Therefore, the WVDA must oppose the Board's proposed increases because our Council does not have the benefit of voting upon it after a full and open discussion.

Sincerely,

Daniel I. Joseph D.D.S., M.S.
President West Virginia State Dental Association

JUL 01 2004

Member
American Association of
Orthodontists



Re: Proposed rule changes
Board's Fee schedule

7-7-04

To: WV Board of Dental Examiners,

I feel the great increase in the annual renewal fee for out of state dental hygienists is unfair.

Furthermore, as for me, it will be very likely that I drop my WV hygiene licence if such an increase becomes effective.

I work in NC now and currently have no plans of returning to WV, however I keep my licence active just in case. \$50 is not bad for this purpose, but \$85 is high.

I, also, think that out of state renewal fees should actually be lower, not higher, than practicing in state hygienists. We are of no liability to the state and our fees are additional money for the state.

I hope, in all fairness, this will be taken into consideration. My heart will always be a part of WV.

JUL 09 2004

Sincerely,
Karen Rowe, RDH



1564 KANAWHA BOULEVARD, EAST
CHARLESTON, WEST VIRGINIA 25311
(304) 344-8935
FAX (304) 720-4867
E-mail: PerioWV@charter.net

WILLIAM J. ROSENFELD, D.D.S.

PRACTICE LIMITED TO PERIODONTICS

July 7, 2004

West Virginia Board of Dental Examiners
207 South Heber Street
Beckley, West Virginia 25801

Dear Sir:

I am writing this letter in opposition to the proposed fee changes by the WV Board of Dental Examiners. These fees were submitted to dentists without any explanation as to why specific increases are necessary. Where are the explanations for such large increases in estimates for the budget? How were specific fee charges determined? If a previous fee was not listed, is this a new fee?

Of course I am against having different fees for renewals for general dentists and specialists. This perpetuates the myth that one is better than the other, makes more money, or is more prestigious. We are all cotherapists on the same plane and should be treated equally. Different fees foster animosity rather than equality. If there is greater cost to the Board in annually registering specialists then this should be stated and should be the only justification for the different fees.

Before fee increases are approved there must be more information submitted to the West Virginia Dental Association Executive Council and the general membership.

Sincerely,

William J. Rosenfeld, D.D.S.

WJR/sk

JUL 09 2004

Sharon Stemple Hinchman, RDH
116 White Oak Lane
Elkins, WV 26241
July 8, 2004

WV Board of Dental Examiners
207 S. Herber St.
Beckley, WV 25801

This is in response to the proposed rule changes. I am **opposed** to the increase in the required continue education hours. There has been no evidence that continuing education increases proficiency. Registered Dental Hygienists typically schedule patients for hygiene recall 6-8 months in advance. CE courses are rarely announced that far in advance. To attend a CE course means canceling, rescheduling and inconveniencing patients. As a professional, I feel a responsibility to study my journals and keep up with new ideas and techniques however, increased CE hours will not increase the level of proficiency. I also feel a responsibility to my patients. Rescheduling of patients is often inconvenient for them.

Increasing the number of CE hours will have an economic impact on dental professionals due to loss of chair time due to attending even more courses. I work on straight commission. If I am not working, I lose money. The office loses money.

I don't feel that being a part of the governing body or attending association meetings necessarily fulfill the purpose of CE requirements. Again, there is no evidence that supports CE as an increase in competency. I am a past president of the WVDHA.

I agree with decreasing the number of required hours for blood bourn pathogens CE. There have been very minor changes in the information since the first few years. I feel that the professionals that truly took the information to heart and made necessary changes in the day-to-day procedures have done so. Others, primarily older professionals took the attitude that no one has been hurt all the years of their practice and aren't going to change no matter how many CE hours they sit through. The blood pathogen course has become so redundant, that attendees chat throughout the presentation, which is immature, rude and distracting to those of us that chose to actually give the presenter due attention.

I am also opposed to the extreme increases in fees. Registered Dental Hygienists have one representative on the Board of Dental Examiners compared to 6 Dentists. We are not being fairly represented yet the proposed fees are almost doubled. The cost for obtaining list of licensed professionals seems extremely high unless this is for the purpose of selling the lists to businesses for promotional purposes to make money. It is relatively cheap and not time consuming or labor intensive to run a computer list of names.

When are there going to be CE courses available for training Registered Dental Hygienists to administer local anesthesia? The original proposal was to allow the dentist/employer to show the RDH how to administer local anesthesia. RDHs responsibly demanded that the training be thorough and complete. Dental students are only required to give one block and one infiltration in practice before working on patients. The word is that RDHs would be required to do 70 injections. The oral anatomy is the same for hygiene and dental students.

Sincerely,

Sharon S. Hinchman
Sharon Stemple Hinchman, RDH

BUL 12 2004

West Virginia Association of Endodontists
Mark A. Byron, D.D.S., M.S., President
2601 Dudley Avenue, Parkersburg, WV 26101
Phone 304-485-4600, Fax 304-485-4618

July 7, 2004

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

Dear Members of the Board,

I am writing a letter on behalf of the West Virginia Endodontic Association to ascertain the reason for the proposed fee re-structuring. We are questioning why fees for specialists are different than those for the general dentists.

As Dr. Joseph stated in his letter to the board on June 29, 2004, the West Virginia Dental Association did not have the benefit of a public hearing to seek information regarding the proposed changes. A delay in this decision will allow the Association and its members to understand the need for the proposed changes.

Sincerely,



Mark A. Byron, D.D.S., M.S.

JUL 12 2004

Susan Combs

From: Karen Avey [kavey@visuallink.com]
Sent: Friday, June 18, 2004 11:20 AM
To: WV Dental Board
Subject: Proposed rules

Dear Board members, in order to give comment on proposed rules, I would like some clarification:

34.8. Annual Information & Renewal fee for Out of State Dental Hygienist \$85.00

Please explain "Out of State Dental Hygienist".....does this mean working outside of the state or residing out of the state. Verbage not clear.

And also, please give your justification for this proposed 70% increase! I would like to know how many other states charge RDH's more for this category. I am licensed in three states and have never seen this before. I live 12 miles from the WV/VA state line.

Sincerely,

Karen D.Avey BSDH (MSDH candidate)

West Virginia Dental Hygienists' Association

July 10, 2004

RE: 5CSR1 & 5CSR3

Dear Members of the West Virginia Board of Dental Examiners:

After a complete review of the proposed rule changes to Title 5, the West Virginia Dental Hygienists' Association (WVDHA) respectfully offers the following comments/proposals:

Title 5, Series 3 Fees Established By The Board

1. WVDHA suggests all RDH license fees (both in state and out-of state) be \$65.00.
2. WVDHA suggests dental assistants certified in restorative and orthodontic duties be assessed an annual fee of \$30.00 per year to maintain their certification. According to a letter from Board President, George D. Conard, Jr., DDS, dated July 1, 2003, the dental assistant position on the Board accounts for approximately 15% of the increase in salary and expense moneys for the Board. Dental assistants benefiting from this representation and certification should be assessed this fee to financially support the cost increases incurred by the Board. Recent information suggests the number of certified dental assistants is approximately 533. At a rate of \$30.00 per year that yields an average increase of revenue to the Board of approximately \$16,000.00 per year. These monies would also help offset the additional paperwork and mailing required to maintain the certificate process within the Board office.

Title 5, Series 1 Rule For The West Virginia Board Of Dental Examiners

3. WVDHA would like to have clarification of 10.6 (a) ... serving (as elected, or appointed members), on national, state, and local dental, or dental hygiene boards, councils or committees ... Specifically what types of committees, councils or boards would this include? Would this include service to committees for Dental and Dental Hygiene Associations?

4. WVDHA requests the words “and Dental Hygienists” be added after “Dentists” in 10.6 to

read;
Dentists and Dental Hygienists may earn up to five (5) hours of continuing education credit requirements per biennial period....

5. WVDHA makes the following suggestions:

8.1. (a) Delete “dental hygienists or”

8.3. Delete “assigned by a licensed dentist to a dental hygienist in the licensed dentist’s

employment” and insert performed by a licensed dental hygienist under general supervision to read;

Expanded duties of dental hygienists. In addition to and including those duties set forth in subsection 8.2 of this section, the following duties and/or intraoral tasks may be performed by a licensed dental hygienist under general supervision in hospitals; schools; prisons; community clinics; long term care facilities; nursing homes; home health agencies; group homes for the elderly, handicapped, or youth; state institutions under department of health and human services; public health facilities; and private dental offices.

(l) Delete “with a final evaluation by the supervising dentist”

(m) Delete “under the direct supervision of a licensed dentist”

Add (n) Perform dental screenings.

Add (o) A dental hygienist shall refer any screened patients with possible oral abnormalities to a dentist for a comprehensive examination, diagnosis and treatment.

The Dental Practice Act shall be amended under Chapter 30 Section 3 subsection 4 to include a new (16) and read as follows;

“General supervision” means supervision of a dental hygienist by a licensed dentist who is not physically present.

Also, subsection 4 must then be renumbered.

The above proposed rules are submitted by the West Virginia Dental Hygienists’ Association for your approval. If you have any questions please do not hesitate to contact us.

Sincerely,

Jennifer Blaskovich, RDH, MA, MS
Gibson-Howell, RDH, MS, Ed D
WVDHA Legislative Chair
304-336-7770

Joan
WVDHA President
304-292-4775

A. B. HAMMOND, DDS
208 East Washington Street
Lexington, VA 24450
540-463-7744

July 9, 2004


The West Virginia Board of Dental Examiners
207 S. Heber Street
Beckley, WV 25801

Dear Sirs,

I am writing to comment on the proposed fee schedule changes. I object to the excessive 60% increase in Section 5-3-2.9 Annual Information and Renewal fee for Out of State General Dentists to \$200 per year. This is essentially a fee to maintain an inactive license and I do not understand why it is higher than the fee for general dentist actively practicing in West Virginia.

Thank you for your attention.

Sincerely,



A. B. Hammond, DDS

FINDINGS, DETERMINATIONS AND REASONS

The Board received 21 written comments during the comment period. (The comments are specifically referenced in the index and numbered as received during said comment period.)

It should be noted that a few letters represent associations, societies and one or more individuals. However, the Board did not take a headcount for purposes of consideration, but did review the content of each written comment submitted.

Written comments were broken down as to "content only" for purposes of the Board's review and consideration, as follows:

Notation: (some comments listed in more than one category)

1 - General objection to increase in fees as proposed by the Board. 10 comments were received. See attached.

2 - Objections to increases in out of state licensure fees (hygienists or dentists) 10 comments were received. See attached.

3 - Objections to the difference in fees of a general dentists and specialists. 3 comments received. See attached.

4 - I favor of increases - 1 comment received. See attached.

After the Board's review as to content, the Board addressed and put each one under consideration at it's meeting and made no amendments.

The Board, after reviewing all the written comments in their entirety made no amendments to the proposed rules and regulations. While the Board considered all materials presented to it's attention for review and consideration during the written comment period, the Board made no amendments to the proposed rules and regulations

for the reasons as set forth in the Board's memo of July 1, 2004 attached hereto and made a part hereof as Exhibit A considering said responses to address most of the issues as presented in the comment period.

Furthermore, the State of West Virginia recognizes a legal distinction between General Dentists and Specialty Dentists. A review of other states similarly situated revealed a different fee as proposed by the Board to offset the costs associated with such distinction.

Also, a review of other jurisdictions revealed an increased fee for licensees not practicing in state versus licensees actively practicing in state.

MEMO SENT TO THREE
ASSOCIATIONS CONCERNING FEES
DATED JULY 1, 2004

Exhibit A

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



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

Richard D. Smith, DDS
Secretary
1501 Seventh Avenue
Charleston, WV 25312

WEST VIRGINIA BOARD OF DENTAL EXAMINERS
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Mrs. Dina Agnone Vaughan, BSDH, MS
10 Francis Way
Lewisburg, WV 24901

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

Mrs. Debra D. Dent, CDA
56 Silver Maple Lane
Union, WV 24983

Bernard J. Grubler, DDS
154 Leewood Farms Road
Wheeling, WV 26003

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

James W. Vargo, DDS
92 Brookshire Lane
Beckley, WV 25801

Susan M. Combs
Office Manager
207 S. Heber Street
Beckley, WV 25801

John F. Parkulo
Executive Secretary
207 S. Heber Street
Beckley, WV 25801

July 1, 2004

TO: Dan Joseph, DDS, President
West Virginia Dental Association

Joan Gibson - Howell, RDH, President
West Virginia Dental Hygiene Association

Debra Sampson, CDA, President
West Virginia Dental Assistants Association

FROM: George D. Conard, Jr., DDS, President
West Virginia Board of Dental Examiners

RE: Statement of Circumstances for Requested Increase in Fees

"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 various application and renewal fees as well as charging for services currently supplied by the board that are not recouped at this time, in order to prepare for increased costs of office expenses anticipated in the short term, including but not limited to, rent increase/relocation costs, additional legal expenses, increased costs associated with two additional Board Members, anticipated costs of hiring a hearing examiner; increased costs of insurance premiums, and future considerations to salary increases to current employees."

The above information was provided to your organization and to the Secretary of State with our filing for the increases. To clarify the above statement, please understand our situation has significantly changed since 2002, in that we have nine instead of seven Board members, which is an immediate near 29% increase in salary and expense moneys for the

Board. Additionally we had additional meetings in 2002, 2003 and 2004 to deal with rule changes for the Dental Practice Act, including expanded duties for dental hygienists and dental assistants, and future statute changes that are sorely needed including advertising rules, continuing education for dentists and dental hygienists, and a complete rewriting of Chapter 30-4A, the statute dealing with dental anesthesia. Not only are expenses necessary for Board members, but outside expertise has been needed on more than one occasion.

Our rent situation is such that with the retirement of James G. Anderson, III, and the fact that current rent is below fair market value, the Board anticipates a rent increase in 2005 when the lease agreement is due to be renewed. At present the Board is paying a low figure for the new office at 207 South Heber Street in Beckley. Further, Judge Berger's opinion requiring the Lottery Commission to stay in Charleston is upheld on appeal, the Board may be required to move to Charleston.

For years, the Board has not charged for services such as verification of licensure for various entities, duplicate certificates, rosters, bad checks and like, so modest fees are indicated. The fees for specialty application and anesthesia permitting have not even covered the expenses incurred to provide these services; for example, those three required specialists who examine a candidate for specialty license are paid State per diem plus expenses. If current proposed changes pass, the anesthesia subcommittee of the Board will be providing more services in the future based on changes to the anesthesia statute, requiring inspection of dental offices and certifying practitioners providing 'sleep dentistry' services, which are not regulated under the current law. Paperwork requirements of the 2003 rule have forced hiring of an additional clerical employee.

The above information is not intended to be all inclusive or complete, but it should give you enough information so that you may inform members of all associations of our intent and the rationale for requesting an increase in our fees. For the bulk of the licensed dentists in West Virginia, the additional expense he or she will incur will be limited to \$25.00 per year and for hygienists \$15.00 per year.