

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

Form #2

Do Not Mark In This Box

FILED
2011 JUN 24 AM 11:26

CIVIL JUSTICE DIVISION
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

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

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

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Fees Established by the Board

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 26, 2011 AT 11:00 AM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV Board of Dental Examiners

PO Box 1447
Crab Orchard, WV 25827

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


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Summary of Rule

The proposed rule increases most fees charge by the Board of Dental Examiners and creates several new fees to increase revenues to the Board in order to carry out its Legislative mandates. The fees are necessary to meet general increases in costs including the addition of a full-time Senior Assistant Attorney General, a modern database, increased rent and investigative costs which are not recovered by the Board. Some fees such as the Anesthesia inspection fee and the newly proposed fees are to cover the costs of the function to the Board.

Statement of Circumstances

The Legislative Auditor has recommended the West Virginia Board of Dental Examiners conduct a review of its financial situation and take necessary steps toward ensuring that the Board remains financially self sufficient. This proposed rule is the result of that review. The Board has experienced general increases in costs and specific increases in legal fees. The Board now has a full-time Senior Assistant Attorney General assigned as a result of increased case-load and investigations undertaken by the Board. The Board is also under contract to develop a new data base which will provide on-line renewal and continuing education filings for all licensees. In addition the lease on the Board's office will increase this fiscal year. While the Board recovers costs in many cases which result in consent decrees or orders, many cases do not rise to that level and costs are not recoverable. Also, cases must be investigated to certain levels to determine if the standard of care has been violated and if no finding is made no costs are recovered. The Board aggressively reviews and investigates pharmacy related issues. Not all investigations result in further action yet accrue considerable costs to the Board.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Fees Established by the Board

Rule Title: _____

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Dental Examiners

Address: 1319 Robert C Byrd Drive
PO Box 1447
Crab Orchard, WV 25827-1447

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

Fiscal Note Summary

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

This rule will have no impact on the general revenue of the state, these revenues will only effect the special revenue account of the Board of Dental Examiners. As noted by the Board's recent legislative audit, the Legislative Auditor has recommended a review of the Board's financial situation and steps be taken to ensure financial stability. This rule will budgetarily support the board to continue in its effort to carry out its legislative mandated duties and cover increasing costs of typical business expenses, legal fees, etc.

Fiscal Note Detail

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

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	125,000.00	125,000.00	125,000.00

Fees Established by the Board

Rule Title: _____

Rule Title: _____

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

The estimates above are based on projections of the increases in application, renewal and permit fees.

MEMORANDUM

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

The fiscal impact will be on those individuals licensed and regulated by this Board.

Date: 6/24/2011

Signature of Agency Head or Authorized Representative

Mary G. Hanna

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

**SERIES 3
FEES ESTABLISHED BY THE BOARD**

JUN 24 AM 11:26

OFFICE OF 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 30-4-6.
- 1.3. Filing Date. --
- 1.4. Effective Date. --

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

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

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

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

4.1. Dental Hygiene Licensure Application	\$60.00	<u>\$100.00</u>
4.2. Re-examination fee for Dental Hygienists (Law Exam)	\$20.00	
4.3. Out of State Dental Hygienist - Dental Hygienist Licensure Application	\$60.00	<u>\$100.00</u>
4.4. Temporary Permit	\$100.00	
4.5. Teaching Permit	\$100.00	

4.6. Investigation of Qualification for Temporary, or Teaching Permits	\$50.00	
4.7. Annual Information & Renewal fee for a Dental Hygienist	\$65.00	<u>\$100.00</u>
4.8. Local Anesthesia Certificate Application fee	\$25.00	<u>\$50.00</u>
4.9. Nitrous Oxide Monitoring Certificate Application fee	\$25.00	<u>\$50.00</u>
4.10. Bleaching Certificate Application fee	\$25.00	
<u>4.11. General Supervision Application fee</u>	<u>\$100.00</u>	
<u>4.12. Public Health Practice Application fee</u>	<u>\$100.00</u>	
<u>4.13. Annual Renewal fee of Local Anesthesia Certificate</u>	<u>\$25.00</u>	
<u>4.14. Annual Renewal fee of General Supervision Certificate</u>	<u>\$25.00</u>	
<u>4.15. Annual Renewal fee of Public Health Practice Certificate</u>	<u>\$25.00</u>	

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

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

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

6.1. Application to Form a Dental Corporation	\$200.00	<u>\$250.00</u>
6.2. Annual renewal fee for a Dental Corporation	\$150.00	<u>\$175.00</u>

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

7.1. Class Two Certification Application Fee	\$50.00	
7.2. Class Two Certification Renewal Fee	\$25.00	
7.3. Class Three or Four Permit Application Fee	\$600.00	<u>\$900.00</u>
7.4. Class Three or Four Permit Renewal Fee	\$200.00	<u>\$300.00</u>
<u>7.5. Qualified Monitor Application Fee</u>	<u>\$50.00</u>	
<u>7.6. Qualified Monitor Annual Renewal Fee</u>	<u>\$50.00</u>	
<u>7.7. Facility Inspection</u>	<u>\$200.00</u>	

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

8.1 Application to Form a Dental Professional Limited		
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Liability Company	\$200.00	<u>\$250.00</u>
8.2. Annual Renewal fee for a Professional Limited Liability Company	\$150.00	<u>\$175.00</u>

§5-3-9. Schedule for Miscellaneous Fees.

9.1. Verification of Licensure to another State (Charge for licensee)	\$25.00	
9.2. Verification of Licensure (other entities)	\$25.00	per name
9.3. Course approval application fee	\$100.00	
9.4. Duplicate renewal license	\$5.00	
9.5. Duplicate wall certificate	\$10.00	
9.6. Roster of Active Dental or Hygiene Licensees or Hygiene or Assistant Expanded Duties Certificate Holders (paper, email or cd)	\$50.00	<u>\$100.00</u> per list
9.7. Roster of Active Dental or Hygiene Licensees or Hygiene or Assistant Expanded Duties Certificate Holders(labels)	\$100.00	<u>\$200.00</u> per list
9.8. Roster of Active Dental or Hygiene Licensees or Hygiene or Assistant Expanded Duties Certificate Holders (one county, <u>one dental specialty, etc.</u>) (paper, email or labels)	\$10.00	per list
9.9. Miscellaneous Copies (first page) additional pages	\$3.00 \$0.25	
9.10. Retrieval Fee	\$25.00	

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

10.1. 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.

10.2. 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.

§5-3.11. Returned Checks.

11.1. Returned Check Charge	\$25.00
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11.2. Failure to replace renewal or application fees due to a returned check and pay the returned check charge shall constitute grounds for denial, revocation or suspension of a license.

§5-3-12. Non Refundable.

12.1. All fees are non-refundable.