

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

Form #3

Do Not Mark In This Box

2011 JUL 03 09:10:08

WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: WV Board of Dental Examiners TITLE NUMBER: 5

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: _____

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: 7/27/2011

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Board of Dental Examiners
PO Box 1447
Crab Orchard, WV 25827

LEGISLATIVE RULE TITLE: Fees Established by the Board

1. Authorizing statute(s) citation §§30-1-6 and 30-4-6

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 24, 2011

b. What other notice, including advertising, did you give of the hearing?
Notice of comment period with copy of proposed rule was sent to all licensees of the Board by mail. Notice and proposed rule was mailed to the WV Dental Association, WV Dental Hygienist's Association and WV Dental Assistant's Association. Filing was posted on the Board's website.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 26, 2011 @ 11:00 am

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

Attached _____ No comments received 30

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

July 29, 2011

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

George D. Conard, Jr.
President
WV Board of Dental Examiners
PO Box 1447
Crab Orchard, WV 25827
304-252-8266
304-253-9454

- 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)

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.

~~Filed June 24, 2011~~

b. Date of hearing or comment period:

comment period ended July 26, 2011 at 11:00 am

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

July 29, 2011

d. Attach findings and determinations and reasons:

Attached X

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: wvde@suddenlinkmail.com

Fiscal Note Summary

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

This rule 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

Mark L. Hamm

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

RECEIVED

2011 JUL 29 AM 10:09

**SERIES 3
FEES ESTABLISHED BY THE BOARD**

OFFICE OF THE CLERK
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>\$25.00</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 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

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.

Joanie L. Cushing
1 Leslie Lane
South Charleston, WV 25309

June 29, 2011

West Virginia Board of Dental Examiners
P. O. Box 1447
Crab Orchard, WV 25827-1447

Dear West Virginia Board of Dental Examiners:

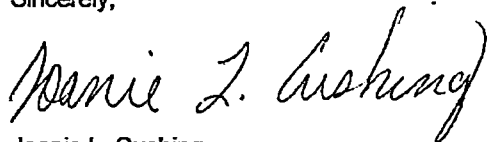
I am currently employed as a Registered Dental Hygienist at a general dental practice in South Charleston, West Virginia. I received the proposal of rules concerning new and increased fees established by the Board. I also appreciate the opportunity to comment concerning the new proposed fees.

While all organizations can use more money and need fee increases periodically, I do not believe the fee increases are in the best interest of the dental community at this time. Many offices are at decreased production with shorter work hours for staff because of the depressed economy. The added and increased fees add more of a financial burden on both the dentist and staff. We already pay extra for continuing education courses along with our renewal fees. For those starting out, the raised application fees are steep. There are also added fees already for our professional organizations. My board fees alone would go from \$65.00 to at least \$150.00. The dentist's fees are considerably more.

At a time when lab costs are up and many office revenues are down, these increased and added fees will cause more of a financial burden on the dental team.

Thank you for hearing and considering my comments.

Sincerely,



Joanie L. Cushing
Registered Dental Hygienist

JUN 30 2011



Dr. Vivian French, DDS

Vivian L. French, DDS
139 Seventh Avenue
South Charleston, WV 25303

(304) 744-4670

June 27, 2011

West Virginia Board of Dental Examiners
P.O. Box 1447
Crab Orchard, WV 25827-1447

Dear Sir,

I strongly oppose some of the cost increases.

Annual renewal fee for Local anesth	25
Annual renewal fee for General supervision	25.
Renewal of Qualified monitors	50
Facility Inspection	200.

You charged hygienist a fee each year for their license. Administering anesthesia and general supervision should be included in their fee. Just because a lot of hygienist did not want bother with updating their skills is no reason to penalize those progressive hygienist that did. This is a regressive tax.

I am to pay \$300.00 / year to the Board of dental examiners – is that fee not enough to cover the cost of someone looking at the papers I must submit to you on my qualified monitors and make sure that their BLS is up to date? \$1500.00 over 5 years really ought to cover the cost of my office inspection as well.

You are penalizing those dentist that are trying to expand dentistry to a group that previously was hesitant to get dental work done. I can assure you that after the cost of the course we must take each year, the cost of updating equipment, materials, supplies, and emergency drugs, this is not a profit making venture, except to oral surgeons that use sedation every day.

I hope you will reconsider this,

Sincerely,

Vivian French
Vivian L. French, DDS

JUL 5 2011

JUL 5 2011



6/30/11

3

WV Board of Dental Examiners:

I would like to object to the Board's Proposed fee increase. In most cases, the increase amounts to 30 to 100% increase from the previous standard. This comes at a time when dental practitioners are holding fees down and doing more pro bono services to help with a struggling economy.

The fees should be kept level or reduced or

at most increased 2-5%. This proposed action will negatively impact access to care and I respectfully request that you reconsider.

Sincerely,



Ronald C. Ard, D.D.S.

DEAR BOARD,

SINCE YOU REQUESTED COMMENTS, I PERSONALLY FEEL THE ECONOMY, IN THIS COUNTRY, THIS STATE, AND ESPECIALLY OUR DEPRESSED TOWN OF WEIRTON IS MAKING THE PRACTICE OF DENTISTRY DIFFICULT TO STAY AHEAD OF THE CHALLENGERS.

I FEEL THE LICENCE FEES ARE WAY TOO HIGH ALREADY. ANY INCREASE SIMPLY ADDS TO OUR BURDEN.

YOURS - 35 YEARS LOYAL,

Ronald C. Ard, D.D.S.

JUL 5 2011

7-7-11

West Virginia Board of Dental Examiners
PO Box 1447
Crab Orchard, WV 25827-1447

Dear WV Dental Board:

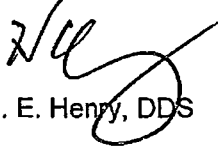
In reference to the recent fee increases proposed by the board:

I feel that the dental licensure and hygiene licensure fees are unreasonably excessive.

While no one likes fee increases, admittedly the costs of doing business continue to increase and some adjustment in fees are necessary. However, this particular increase is very excessive and not at all reasonable.

I have no problem with the odd fees being raised to cover costs. Those are not routine such as yearly licensing fees are.

Sincerely,



H. E. Henry, DDS

July 6, 2011

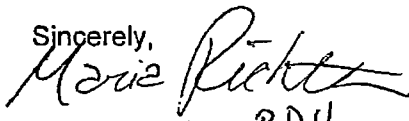
West Virginia Board of Dental Examiners
PO Box 1447
Crab Orchard, WV 25827-1447

Dear WV Dental Board:

In reference to the recent fee increases proposed by the board:

I feel that the hygiene licensure fees are unreasonably excessive.

Sincerely,



Maria D. Richter, RDH

West Virginia Board of Dental Examiners
28000 Standard Professional Edition



West Virginia Board of Dental Examiners
28000 Standard Professional Edition

West Virginia Board of Dental Examiners
PO Box 1447
Crab Orchard, WV 25827-1447

July 1, 2011

Dear WV Dental Board:

In reference to the recent fee increase:

I too feel that the dental and hygiene licensure fees are excessive.

Sincerely,

Brenda Edwards, RDH

July 7, 2011

West Virginia Board of Dental Examiners
PO Box 1447
Crab Orchard, WV 25827-1447

Dear WV Dental Board:

In reference to the recent fee increases proposed by the board:

I feel that the dental licensure and hygiene licensure fees are unreasonably excessive.

Sincerely,

Lori Petrella, RDH

Lori Petrella, RDH

Dear Board,

I strongly disagree with the proposed License Renew fee increases. What a wonderful state, but working hard to make a living should not have such high fees attached.

Honestly, that is the way I see it. I do not feel this is a fair thing to do to Dental Hygienists who work so hard to serve the community to promote good oral health as team members.

God bless and In God we trust.

Karen Rowe, RDH

Karen Rowe 7-9-11

JUL 13 2011

West Virginia Board
of Dental Examiners
P.O. Box 1447
Crab Orchard, WV
25827-1447

July 11, 2011

Dear Members of the Board:

I received the notification dated June 24, 2011, of the proposed rule changes concerning Title 5, Series 3. As outlined below, I am respectfully submitting my comments on the matter as requested in the notification letter.

In reviewing the proposed fee increases, I noted that most of them were quite significant and in some cases 100% of the previous fee. I believe that such increases are too severe to be absorbed all at one time, especially with the current regional and local economic challenges. It is my personal experience that hygienists are having significant difficulties finding and retaining full-time work with reasonable benefits in West Virginia. It also appears that wages paid to West Virginia hygienists have been stymied in recent years as raises have been tough to come by. With recent changes permitting dental assistants to do coronal polishing, many dentists are not hiring and retaining the number of qualified hygienists that they have in the past. In addition, many hygienists have to pay for every continuing education class out of their own pocket, because the dentists they work for feel no responsibility to keep their employed hygienists licensed. In comparison there is no continuing education requirement for dental assistants who are now cleaning teeth.

I would like to see the Board explain such fee increases to the practitioners much like the public utilities must do before the public service commission. In other words, open the Board's books in a formal notification to practitioners of the Board's revenues, expenses, budget, cash and capital needs. If fee increases are warranted, then let them be gradual (perhaps a 5-10% increase annually, when necessary) and equitable across all fee categories. It appears that the proposed increase will significantly impact hygienists in the form of the annual renewals for Hygiene, Local Anesthesia, and General Supervision.

My hope is that you will not move forward with the proposed new fees and fee increases impacting Licensed Hygienists.

Sincerely,

Crystal L. Adams, RDH
Crystal L. Adams, RDH

JUL 15 2011

//



Mid-Ohio Valley Health Department

West Virginia Board of Dental Examiners
PO Box 1447
Crab Orchard, WV 25827-1447

July 14, 2011

Dear Board Members,

I am writing to comment on the proposed rules concerning Title 5, Series 3, and Fees Established by the Board.

The fees that I am concerned with are 4.11 General Supervision Application fee \$100, 4.12 Public Health Practice Application fee \$100 and 9.3 Course approval application fee \$100. All of these in addition to a \$35 per year hike for licensure renewal 4.7.

I understand the Board raising licensure fees periodically. The General Supervision and Public Health Practice Permit fees for Dental Hygienist going from a one-time \$25 to \$100 application and \$25 renewal fee is quite steep for dental hygienists who do not have employers that pay these fees. It will pose even more of a hardship on those hygienists working in public health for lower than private practice wages. There are dental hygiene positions opening in public health but little monetary incentive and higher licensure fees will limit public health participation even further.

As a member and officer of the West Virginia Dental Hygienist's Association and the West Virginia Public Health Association-Dental Section I have been active in helping to provide continuing education speakers at a reasonable cost to members. The treasuries of both of these organizations are limited. To be required to pay the WV Board of Dental Examiners \$100 for course approval in addition to a speaker fee is a burden that I hope you will consider reducing so members will not experience even higher costs.

Your consideration of the above comments is appreciated.

Sincerely,

Mary Beth Shea, RDH
Oral Health Coordinator
Mid-Ohio Valley Health Department
211 Sixth Street
Parkersburg, WV 26101
304-485-7374x168
Marybeth.e.shea@wv.gov

JUL 18 2011

JUL 18 2011

July 15, 2011

Dear WV Board of Dental Examiners,

I am responding to the proposed fee increases for dental hygienist. I have had my dental hygiene license in Ohio since 1982, in WV in July 2010.

In my opinion, these fee increases are too high and are higher than in Ohio, where pay/salary is much higher. The yearly fee's apply is too much of a hike up.

The general supervision application fee is too much of an increase also.

JUL 18 2011

12

The annual renewal
at \$25.00 is acceptable.

The increase from \$65.00
to \$100.00 annually is
unacceptable based on
the pay here. I work
part-time + the DDS's do not
pay for my license either.

Please consider these
fees and avoid these
excessive increase
of fees for hygienists.

Sincerely,

Lisa Berlin, WV 2978, R.D.H., B.S.
39 Sherwood Circle
Hurricane, WV 25526.

Carolyn Brewer

13

From: Edwin V Kluth [ev-rckluth@juno.com]
Sent: Monday, July 18, 2011 11:28 PM
To: wwbde@suddenlinkmail.com
Cc: WVRDS@aol.com; jack.yost@wvsenate.gov; orphy.klempa@wvsenate.gov;
 roy.givens@wvhouse.gov; tim.ennis@wvhouse.gov; ryan.ferns@wvhouse.gov;
 erikka.storch@wvhouse.gov
Subject: Proposed Fee Increases
 July 18, 2011

West Virginia Board of Dental Examiners
 1319 Robert C. Byrd Dr.
 P.O. Box 1447
 Crab Orchard, WV 25827-1447

I have received the notice of the proposed fee increases and note two basic areas of concern.

First, the increases are substantial; by my calculation, they range from 33-100%! In these tight and harsh economic times, it's hard to believe that you're actually asking for this level of increase-especially when many governmental entities are trying to hold the line on taxes. One example of how high these fees seem is the proposed \$200 per year dental license renewal is in notable contrast with the \$250 per **biennium** I pay Ohio (which is also the same in Pennsylvania according to their web site).

Second, raising fees to this extent seems to stand out as a **big red flag** regarding the Board's expenses. The copy of the filing to the Secretary of State found on your web site speaks only to how much more income you feel you need. There is no information at all regarding actual expenses in order to examine this aspect of the problem. There appears to be a need to look at how to trim and control expenses lest, at this rate, you head on a collision course toward an unsustainable and unaffordable situation. Therefore, I would appreciate receiving, or knowing how to access, information regarding the Board's income and expenses for the past two to three years in order to provide more helpful comments on the following matters, in no particular order:

- *There is concern about increase in rent. How much is it now and for how many square feet? What alternatives are you exploring?
- *How many personnel are employed? Part time or full time? How much are the salaries?
- *How many are on the Board now? Do we need this many and can we afford this many? i.e. What are all the costs of having the required meetings?
- *Who is paying for the CDA on the Board? If the assistants aren't, then they should at least pay a registration fee.
- *Who is paying for the lay person to be on the Board? If the citizens of West Virginia want representation on the Board, then those expenses should come out of general revenue.
- *The above issues seem important if the Board really needs a full time Senior Assistant

7/19/2011

Attorney General. I may have missed something, but I don't know how this person came to be needed. Is this the same situation as other professional boards? What can be done to decrease the need for this person's services?

*What is being done regarding the obvious need to cut/control expenses? i.e. Any possibility to share space, personnel, equipment, and utilities with other smaller boards such as physical therapy, occupational therapy, pharmacy, etc.? Would there be less cost if the licenses renewed on a staggered schedule like vehicle registrations? The structure of the physical therapy board is such that their license renewals cost less than the current \$150 for a dental license.

*Is any legislation needed to enable needed changes?

Thank you for your attention to my comments. As stated above, I look forward to providing more detailed comments after studying the financial information.

Sincerely,

Edwin V. Kluth, DDS, MS
Prosthodontist
21 12th St. #305
Wheeling, WV 26003
304-233-4246

[Get Free Email with Video Mail & Video Chat!](#)

14

Susan F. Lilly, RDH
49 Yardley Court
Martinsburg, WV 25405

West Virginia Board of Dental Examiners
1319 Robert C. Byrd Drive
PO Box 1447
Crab Orchard, WV 25827-1447

July, 18,2011

Dear Board Members:

Please consider my comment on the filed proposed rules concerning Title 5, Series 3, Fees Established by the Board.

I realize the fees for West Virginia licensure do have to be raised periodically. I would agree to the new application fees for general supervision and public health practice but NOT the annual renewal fee for these and the local anesthesia certificate.

The general supervision annual fee should be the practicing dentist responsibility not the hygienist.

If the Board is trying to track the numbers of who utilizes general supervision and anesthesia in the dental practice—questions could be placed on the renewal application.

Thank you for considering my comments.

Respectfully,


Susan F. Lilly, RDH

JUL 21 2011

15



West Virginia Board of Dental Examiners
PO Box 1447
Crab Orchard, WV 25827-1447

July 19, 2011

Dear West Virginia Board of Dental Examiners and Staff,

This letter is to express my apprehension on the proposed rules concerning Title 5, Series 3, and Fees Established by the Board.

As I completely understand the need to increase fees to cover costs and maintain a business office I am deeply concerned with the 4.11 General Supervision Application fee \$100, 4.12 Public Health Practice Application fee \$100. The Public Health Practice and the General Supervision permits were to increase access to preventative service by West Virginia's vulnerable citizens. To date there are over twenty programs/projects throughout the state utilizing Public Health Supervision dental hygienist. A majority of the dental hygienist are employed by a non-profit agency with very limited budgets. The other few are employed by private practice dental offices that are making a difference by reaching out to the public health sector. Such an increase in the application fee would discourage this type of outreach and service.

The increase that is being proposed is very steep and a total increase of over 100%, when you include the renewal fee into the equation. Please reconsider a more modest increase that would not impact the number of providers reaching out to those that need it most.

Sincerely,

A handwritten signature in black ink, appearing to read "Bobbi Jo Steele Muto". The signature is written in a cursive, flowing style.

Bobbi Jo Steele Muto, RDH
Community Oral Health Coordinator
Marshall University, Joan C Edwards School of Medicine
304-542-9592
Bjimoto.steele@marshall.edu

JUL 22 2011

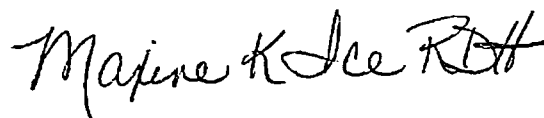
160

July 20, 2011

Dear West Virginia Board of Dental Examiners,

I am writing in response to the proposed rules concerning Title 5, Series 3, Fees Established by the Board that have been filed with the Secretary of State's Office. I believe the proposed increase in licensing fees is unreasonable and too high. In my opinion, the proposed rule change should not be allowed. Thank you for your attention in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Maxine K. Ice RDH". The signature is written in black ink and is positioned above the typed name.

Maxine K. Ice, RDH

JUL 22 2011

JUL 25 2011

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WV Board of Dental Examiners

To Whom it Concerns:

I'm writing in regards to the recent letter I received concerning Title 5, Series 3.

I find the increase in price for a Dental Hygienist's Information & renewal fee is absolutely ludicrous! This is a 53.85% increase!! Our annual raises from our boss (if lucky enough to get one) is usually below \$1/hour!

We must pay for ALL our CE Courses & most of us aren't lucky enough to receive medical benefits, so insurance & for medical costs come out of pocket. The economy has hit a monumental low over the past several years, & has YET to climb. How on earth do you expect hard-working people to pay such a large increase in FEES every year? Plus other fees we owe. I strongly advise against this proposed increase & ASK that it remain the same.

Sincerely, ~~Paul~~ ~~Paul~~

126 Asbury Circle
Wheeling, WV 26003
July 20, 2011

West Virginia Board of Dental Examiners
1319 Robert C. Byrd Drive
PO Box 1447
Crab Orchard, WV 25827-1447

Dear Members of the Board;

I am writing in response to a mailing to Dental Licensees in the State of West Virginia dated June 24, 2011. The following are my comments and thoughts regarding the proposed rules concerning the "Fees Established by the Board." I am a Registered Dental Hygienist holding licenses in the states of West Virginia, Ohio and Pennsylvania. West Virginia is my primary state of employment. Access to care in West Virginia is a major topic of discussion among Dental Professionals throughout the state. The proposed increased fee schedule included in the mailing may stifle access to care from a Dental Hygienist's standpoint.

A proposed fee of \$100.00 for annual Dental Hygiene license renewal will be an increase of almost 67%. Renewal fees for Public Health Practice, General Supervision and Local Anesthesia permits are proposed at \$25.00 per certificate. We, as Registered Dental Hygienists, are required by the Board of Dental Examiners to attend additional continuing education courses every 2 years to maintain the General Supervision and Public Health Practice permits in addition to the required 20 hours. The proposed application fee for the Dental Hygienist to monitor nitrous oxide is an increase of %100, from \$25.00 to \$50.00. In contrast, the dental assistant application fee for nitrous oxide monitoring is \$25.00. Can an explanation be offered for the difference? Are the allowed duties the same for both the Dental Hygienist and the dental assistant for nitrous oxide monitoring?

I would be led to believe that 5-3-5 in the proposed fee is the only monitoring tool within West Virginia to identify a dental assistant. There is no mention of other fees dedicated specifically to the dental assistant or CDA for any structured registration or monitoring.

From a geographic standpoint, those Dental Hygienists having residences within close proximity to states bordering West Virginia, may now not think twice about securing employment outside West Virginia when considering the proposed fee schedule. This may hold to true for recent graduates who are seeking first time licensure and considering the cost of acquiring and maintaining their credentials to practice as a Registered Dental Hygienist. Thus, a possible shortage of Dental Hygienists and Dentists in the state where access to care should be a priority.

Thanking you in advance for your time and attention in this matter.

Mary Ann Yandrich, RDH
Mary Ann Yandrich, RDH

JUL 25 2011



JAMES C. LANHAM, D.D.S.

19
FAMILY DENTISTRY

115 EAST PALM DRIVE, LAKELAND, FLORIDA 33803

Telephone 863 - 688-1867
Fax 863 - 683-6602

July 20, 2011

West Virginia Board of Dental Examiners
P.O. Box 1447
Crab Orchard, WVA 25827-1447

To the Board:

I am in receipt of your letter, dated June 24, 2011, addressing the increase of licensure fees. Being an out-of-state licensee, I have maintained my out-of-state license in West Virginia since graduation from WVU School of Dentistry in 1987. My wife, as well, maintains a West Virginia out-of-state Dental Hygiene license.

Should you decide to increase the fees for out-of-state dentists and hygienists, we very well may drop our West Virginia licenses. I hope that you take into consideration that we do not produce a burden on the State Dental Board of West Virginia.

Sincerely,

James C. Lanham, D.D.S.
Deborah Sparks Lanham, R.D.H., B.S.

JUL 25 2011

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West Virginia Board of Dental Examiners
PO Box 1447
Crab Orchard, WV 25827-1447

July 20, 2011

Dear Board Members,

This letter concerns the proposed rules to change Title 5, Series 3, Fees Established by the Board.

Although I understand the need to periodically raise fees, I feel as if the proposed rules raise these fees at an alarming high percentage rate. In looking this over it appears that the fee increases for Dentists are in the 25-50% range, for Dental Hygienists in the 55 – 300% range. I find particularly interesting that a service that was a few years ago provided at no charge is now going from \$50 to \$100 and \$100 to \$200 that being the fee for Dental or Hygiene or Dental Assistant rosters. (S5-3-9, 9.6 & 9.7).

As I stated before I understand the need for periodic fee increases. I myself get a yearly cost of living wage increase of a very small percentage. So I am asking that the Board keep the fee increase within the usual cost of living increase, and that they remove the obvious disparity between the Dentist and Dental Hygienist fees by determining a reasonable percentage rate increase and applying it across the fee schedule.

The Board should also consider the access to care issue in West Virginia. We have finally been making progress in this due to the General Supervision and Public Health Practice Certifications so care needs to be taken to not make this cost prohibitive. The board should keep in mind that supporting their fellow professionals is as important as maintaining a high standard of care for the people of West Virginia.

Respectfully,



Cynthia Maret RDH

JUL 25 2011

West Virginia Dental Association
2016 1/2 Kanawha Blvd., East, Charleston, WV 25311

Telephone: 304-344-5246

FAX: 304-344-5316

Email: wvrds@aol.com

July 22, 2011

West Virginia Board of Dental Examiners
1319 Robert C. Byrd Drive
PO Box 1447
Crab Orchard, WV 25827-1447

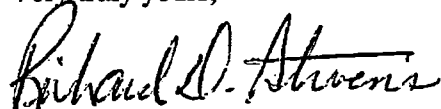
Dear Board Members:

This is in response to your Board filing a proposed rule with the Secretary of State on June 24, 2011, calling for an increase in fees for all types of licenses and permits as well as initiating eight (8) new fees for various services and permits..

This Association's Executive Council met July 14, 2011, and voted to support only the dentist annual license fee increase from \$150 to \$200, dental hygienist annual license fee increase from \$60 to \$100, and the Class 3 and Class 4 anesthesia permit application fee increase from \$600 to \$900.

Your Board is respectfully requested to consider the Executive Council's resolution regarding your proposed rule.

Very truly yours,



Richard D. Stevens
Executive Director

JUL 25 2011

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West Virginia Board of Dental Examiners
PO Box 1447
Crab Orchard, WV 25827-1447

July 21, 2011

Dear Board Members,

I am writing to comment on the proposed rules concerning Title 5, Series 3, Fees Established by the Board.

The fees for which I am concerned with are:

- 4.11 General Supervision Application fee \$100
- 4.12 Public Health Practice Application fee \$100
- 4.7 proposing a \$35 per year raise for licensure renewal

As you are well aware, the public health practice permit was put in place to address access to care issues and with so few dental hygienists already working in public health this proposed fee raise will surely be a deterrent for future dental hygienists wishing to obtain their public health practice permit. Please keep in mind that this one-time \$25 to \$100 application and \$25 renewal fee is primarily affecting those dental hygienists working in public health for lower than private practice wages. I would hope, as a dental community we would collectively aim to incentive those dental hygienists that wish to address oral health disparities not deter them via financial barriers.

As a member and officer of the West Virginia Dental Hygienist's Association and president of the West Virginia Public Health Association- Dental Section, I have been active in several new initiatives such as statewide oral health surveillance and various other population-based educational/preventive and am proud of the progress to date. All of these initiatives and programs utilize dental hygienists that currently have a public health practice permit and will need more hygienists that have yet to obtain their public health practice permit in order to grow these programs with the goal of bringing much needed dental care to underserved children.

I urge you to reconsider the proposed increases with the above issues in mind.

Sincerely,



Gina Sharps, RDH
Department of Dental Practice and Rural Health
WVU School of Dentistry
Robert C. Byrd Health Sciences Center
PO Box 9415
Morgantown, WV 26506
Phone: (304) 293-1156
Fax: (304) 293-8561

JUL 25 2011

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109 LaRue Avenue
Kingwood, West Virginia 26537
July 21, 2011

West Virginia Board of Dental Examiners
PO Box 1447
Crab Orchard, WV 25827-1447

Dear West Virginia Board of Dental Examiners,

This letter is written to express my great concerns regarding your board's proposed rules modifications for Title 5, Series 3, and Fees Established by the Board, and . I feel that you, as a board, need to modify your proposed actions concerning dental hygiene fees to reflect a more reasonable level. At this time, the recommended proposal for dental hygiene fees is unreasonable with arbitrary logic and conditions.

I understand the need to increase fees to cover costs and maintain a business office I am concerned greatly with the 4.11 General Supervision Application fee \$100, 4.12 Public Health Practice Application fee \$100. The Public Health Practice and the General Supervision permits were to increase access to preventative service by West Virginia's vulnerable citizens. To date there are over twenty programs/projects throughout the state utilizing Public Health Supervision dental hygienist. A majority of the dental hygienist are employed by a non-profit agency with very limited budgets. The other few are employed by private practice dental offices that are making a difference by reaching out to the public health sector. Such an increase in the application fee would discourage this type of outreach and service.

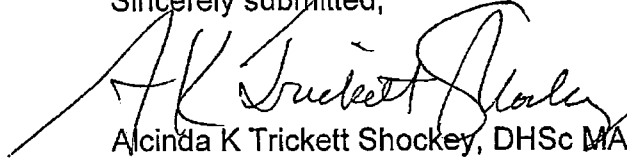
Additionally, I understand the Board raising licensure fees periodically. The General Supervision and Public Health Practice Permit fees for Dental Hygienist going from a one-time \$25 to \$100 application and \$25 renewal fee is quite steep for dental hygienists who do not have employers that pay these fees. It will pose even more of a hardship on those hygienists working in public health for lower than private practice wages. There are dental hygiene positions opening in public health but little monetary incentive and higher licensure fees will limit public health participation even further. To be required to pay the WV Board of Dental Examiners \$100 for course approval in addition to a speaker fee is a burden that I hope you will consider reducing so members will not experience even higher costs.

It is with actions, such as these that are being proposed by this board, definitely confirms the need for dental hygiene to move for self-regulation for the amounts that are being proposed would definitely afford dental hygiene the needed revenue for just this. However, until such a time, I would highly encourage you, as the West Virginia Board of

JUL 25 2011

Dental Examiners, to reconsider the actions you are proposing and in that reconsideration, rethink these actions to be a more reasonable and considerable level of increase.

Sincerely submitted,

A handwritten signature in black ink, appearing to read "Alcinda K Trickett Shockey". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Alcinda K Trickett Shockey, DHSc MA BS RDH

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Sheila A. Scumaci
304 Grand Street
Morgantown, West Virginia 26501

West Virginia Board of Dental Examiners
PO Box 1447
Crab Orchard, WV 25827-1447

July 21, 2011

Dear WV Board of Dental Examiners and Staff,

I am writing this letter to express my concern about the proposed rules concerning Title 5, Series 3 and Fees Established by the Board of Dental Examiners. Specifically, I am concerned about the proposed amount of increase in the General Supervision and Public Health Practice application fees.

The General Supervision and Public Health Practice certifications were put in place, at least in part, to increase access to care in the state of West Virginia. This does seem to be working. I realize there are probably many practices where the dentist/employer has provided financial support for their staff hygienist, and both benefit professionally and individually from the arrangement. However, I also believe that there are likely dentists and hygienists who are providing outreach to less fortunate individuals in our state through the use of these certifications. It seems to me that in our state, with our various negative statistics, we out to encourage the use of these certifications for the purpose of service to others.

I do understand the need to increase fees. I simply ask that you consider carefully as you move forward with the proposed increases. Please, consider a more modest increase to these particular application fees. Please, continue to help motivate others in our profession to reach out to the dental populations that need our help.

Sincerely,


Sheila A. Scumaci

JUL 25 2011

Susan Combs

25

From: Terry [casseday@cebridge.net]
Sent: Sunday, July 24, 2011 10:35 PM
To: wvbde@suddenlinkmail.com
Cc: casseday@cebridge.net

Terry Casseday
101 Ellis Avenue
Elkins, WV 26241

July 22, 2011

WV Board of Dental Examiners
1319 Robert C. Byrd Drive
P.O. Box 1447
Crab Orchard, WV 25827-1447

Dear WV Board of Dental Examiners Members and Staff:

I am writing in response to the filed proposed rule changes in the schedule of fees for dental hygienists. I am surprised at such a large increase in the annual renewal fee from \$65.00 to \$100.00. I do understand that it has been some time since the fees were raised but that does seem to be a lot at one time. I am totally shocked at the proposal for any renewal fee for the local anesthesia, general supervision and the public health practice certificates which could bring the hygienists' renewal fee total to an outrageous \$175.00. I think it is quite enough for the board to charge application fees for these three certificates. To obtain these certificates the participant must complete studies and requirements for each. Doing so one time should be adequate. If you can justify charging just the hygienists for specialized expanded duties, how can you not do the same for assistants as well?

I am asking that the Board reconsider. A \$45.00 increase in the annual renewal is more than enough.

Respectfully,

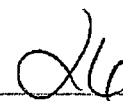
Terry Casseday, BSDH

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Version: 10.0.1390 / Virus Database: 1518/3787 - Release Date: 07/25/11

7/25/2011



Susan Combs

From: Amy Funk [amydfunk@gmail.com]
Sent: Saturday, July 23, 2011 1:20 PM
To: wvbde@suddenlinkmail.com
Subject: WVDHA Letter Concerning Proposed Changes
Attachments: WVBODE_Letter[1].docx

Dear Board Members,
Please review the attached letter written in response to the proposed fee increases.
Thanks,
Amy

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enclosed

July 21, 2011

West Virginia Board of Dental Examiners
PO Box 1447
Crab Orchard, WV 25827-1447

This letter to address the WVBODE proposed rules changes concerning Title 5, Series 3, and Fees Established by the Board, specifically focusing on the intent to increase fees related to the practice of dental hygiene in the State of West Virginia.

After reviewing the surrounding states' corresponding fees, the main concern is the huge increase to the fees involving the following:

- 4.11 General Supervision Application Fee
- 4.12 Public Health Practice Application Fee
- 4.14 Annual Renewal fee of General Supervision Certificate
- 4.15 Annual Renewal fee of Public health Practice Certificate

If increasing access to oral care is a true concern, then raising the application fee from \$25 to \$100 should not have even been considered. Dental hygienists' licensing fees may be paid by their employer, but often that isn't the case. For example, if a dental hygienist was to fully take advantage of all the certificates the WVBODE allows (and met the requirement for each license), the comparison of fees would be:

	Current Fee	Proposed Fee
DH Licensure Application	60	100
Local Anesthesia Certificate Application	25	50
Nitrous Oxide Monitoring Certificate Application	25	50
Bleaching Certificate Application	25	25
General Supervision Application	25	100
Public Health Supervision Application	<u>25</u>	<u>100</u>
	\$185	\$425

The difference is \$240, which is a substantial amount to many employed dental hygienists, many of which may only be employed on a part-time basis. At the end of the first year, a comparison of the cost for the dental hygienist would be:

	Current Fee	Proposed Fee
DH Annual Information & Renewal Fee	60	100
Annual Renewal of Local Anesthesia Certificate	0	25
Annual Renewal of Nitrous Oxide Monitoring Certificate	0	0
Annual Renewal of Bleaching Certificate	0	0
Annual Renewal of General Supervision Certificate	0	25
Annual Renewal of Public Health Supervision Certificate	<u>0</u>	<u>25</u>
	\$60	\$175

The difference is \$115 with an increase from \$0 to \$25 renewal fees to allow dental hygienists to provide care in alternate care settings or under general supervision, both of which were supported by WVDHA and WVDA.

There appears to be an inequality concerning fee increases. The proposed fees associated with increasing access to care are remarkably higher than fees not associated with this type of care. For example, fees associated with renewal of bleaching and nitrous oxide monitoring certificates were not increased. Also, initial application fees for bleaching, nitrous oxide and local anesthesia were only modestly increased to an acceptable fee of \$50. In contrast, the initial application fees for Public Health Supervision and General Supervision were increased to \$100.

In February 2010, there were 844 licensed dental hygienists in West Virginia; only 45 possessed a Public Health Supervision Certificate and 451 were certified to practice under General Supervision. Many organizations including WVDHA have hosted continuing education courses that would enable the dental hygienist to apply for these certificates, even providing the appropriate forms for the attendees to complete. Substantially raising the application and renewal fees for Public Health Supervision and General Supervision will not encourage dental hygienist to pursue these worthwhile types of activities. The original intent of these certificates was to increase services to the State's population. The proposed fee increase will penalize all dental hygienists and their employers for wanting to increase the services provided.

The proposed fee increases will pose a hardship on many practicing dental hygienists. There is a considerable difference between paying \$185 for initial application and the proposed \$425. Also, with the difference between the current renewal fees of \$60 to the proposed \$175, many dental hygienists will have to decide if paying for a certificate is really worth it in their overall scope of practice.

It is a shame that so many advances in scope of practice for dental hygienists may be put in jeopardy because of unwarranted fee increases.

Sincerely,

Amy D. Funk
President
West Virginia Dental Hygienists' Association
304-842-4271
amydfunk@gmail.com

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West Virginia Board of Dental Examiners

PO Box 1447

Crab Orchard, WV 25827-1447

July 21, 2011

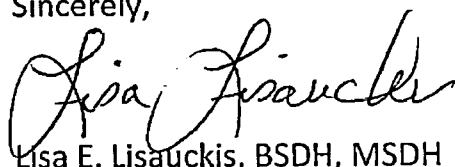
Dear Members of the Board,

This letter is intended to express my concern regarding the proposed fee increases. I can appreciate the cost of operation for the WVBDE, but some increases seem drastic.

If fees must increase, can this happen gradually over the next few years, instead of a big jump from \$60.00 to \$100.00 for Dental Hygienists? Also, I recently acquired the public health certificate and the general supervision certificate. If you intend to change fees, I believe that I and other individuals who've already obtained these certificates should be "grandfathered in" with no additional fees. Then, once you make fee changes, individuals seeking those certificates will know upfront the additional costs associated with them.

In summary, I am not pleased with the increases and I would like to thank you for taking time to consider my thoughts on the subject.

Sincerely,



Lisa E. Lisauckis, BSDH, MSDH

320 West Berkeley ST, B7

Uniontown, PA 15401

724-438-3053

JUL 25 2011

July 22, 2011

West Virginia Board of Dental Examiners

P.O. Box 1447

Crab Orchard, WV 25827-1447

Dear West Virginia Board of Dental Examiners,

I am writing to comment on the proposed rules concerning Title 5, Series 3 and Fees Established by the West Virginia Board of Dental Examiners.

The first of these three fees with which I am concerned is #4.7, which proposes an increase from \$65.00 to \$100.00 that represents a 53.8% increase over the currently requested annual renewal fee. I also strongly object to the #4.11 General Supervision Application fee of \$100.00, and #4.12 Public Health Practice Application fee of \$100.00, and the #9.3 Course approval application fee.

During difficult economic times, the State of West Virginia and its citizens often suffer, and this is no different in the dental field. New dental hygienists and those coming to our beautiful state will be faced with a large economic barrier to begin practicing. To begin practice you are asking this dental hygienist to pay over \$400.00 before they can even begin to be employed in a general setting and be allowed to work in public health too. This is very discouraging for a dental hygienist wanting to practice in our state. Because these fees are paid by the individual dental hygienist, increasing the initial and renewal fees over the years creates a financial hardship on many dental hygienists. My fellow West Virginia dental hygienists that are employed in the public health sector work in non-profit environments with limited budgets to provide dental health care, frequently to the economically poorest citizens of West Virginia.

Please consider a more economic fee arrangement at your upcoming meeting for the betterment of dental health for our West Virginia citizens. Your consideration of the comments above is appreciated.

Sincerely,

Dawn Myers Yost, BSN, RN, BSDH, RDH, CNOR

1029 Ross Street

Morgantown, WV 26501-7009

304-292-1767

yostdm@comcast.net



VINOD MIRIYALA, D.D.S., C.A.G.S.

29

July 25, 2011

Marc L. Harman,
Executive Secretary
West Virginia Board of Dental Examiners
P.O. Box 1447
Crab Orchard, WV 25827-1447

Re: Fee increase on Anesthesia application

Dear Mr. Harman:

Thank you for your letter dated June 24th, 2011 regarding Title 5, Series 3, Fees established by the Board. Sorry for the late response, but I have been very busy and just now got around to reading the rules and I do have a concern concerning the increase fee in the following:

Schedule of fees for Anesthesia

7.3 Class Three or Four Permit Application Fee	\$600.00 to \$900.00
7.4 Class Three or Four Permit Renewal Fee	\$200.00 to \$300.00

I am a Pediatric Dentist and treat behaviorally challenging children in my practice. Most of my patients are referred from other dentists and need comprehensive and speciality care. Most of these children need sedation services and most of them are covered under Medicaid insurance. Medicaid does not reimburse for sedation services and we have to cover the cost of the sedation services. In this instance, a increase in the fee structure for application and renewal is not warranted and it just increases the cost for me and my clinic to provide such services. Increasing the Board fees for such services will restrict our ability to provide speciality services and the patients will not be able to get the much needed care.

I am writing this letter to express my disagreement to increase the above said fees.

Sincerely,

Vinod Miriyala, DDS

30

Susan Combs

From: dockh2o@suddenlink.net
Sent: Tuesday, July 26, 2011 8:01 AM
To: wvbde@suddenlinkmail.com
Subject: Proposed rule for fee increases

Dear WVBODE Members,
I would like to go on record as supporting the WVDA Executive Council's resolution regarding your proposed rule for fee increases. Like Dr. Ned Kluth from Wheeling, in his letter to the Board, I also feel that there are still questions that need to be addressed related to the Board's budget and their costs of doing business. I would also like to know the status of "Peer Review" and how it now functions in our state. Thank you for allowing me to express my thoughts and concerns regarding the proposed rule for fee increases.

Sincerely,

David H. Walker, D.D.S.

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**STATEMENT CONCERNING COMMENTS RECEIVED
AMENDMENTS MADE & REASONS FOR AMENDMENTS
TO THE PROPOSED RULE**

During the 2011 Fiscal Year, The West Virginia Board of Dental Examiners underwent a required Regulatory Board Review by the Legislative Auditor. This report was submitted to the Joint Committee on Government Operations and Joint Committee on Government Organization on June 14, 2011.

As reflected in the report, the Legislative Auditor states “the licensing of dental professionals is necessary for protecting the citizens of West Virginia.” The Auditor goes on to say “without regulation, serious harm or death could result from the failure to execute many of the procedures performed by dentists and dental hygienists.”

During the audit, it was evident that those conducting the review were concerned with the expenses versus the revenue of the Board. As with any business, the Board’s expenses of day-to-day operations have increased along with the cost of living. Since the implementation of its current fee schedule in April 2006, the Board has experienced increases in the costs of personal services (salaries, per diem, etc.), employee benefits (PEIA, retirement, etc), printing costs, postage, utilities, meeting expenditures, association dues, travel, and mandatory OPEB contributions. Further, due to an increase in case load, the Board sought and utilized dental experts and investigators, when necessary, as well as a hearing examiner and the assignment of an Attorney General on a full-time basis.

Sharing the concerns of the Legislative Auditor as stated in the PERD report, “The Legislative Auditor agrees that in light of increasing expenses and stagnant revenues, an analysis must be done to identify corrective actions to ensure the long-term financial stability of the Board.” The then President of the Board and staff reviewed the Board’s budget, and considering future projects, needs and the current stagnate revenues, determined the Board would need to consider a fee increase. The Board’s proposed fees are comparable with and, in most cases, less than other state dental boards.

The Board believes the foregoing Agency Approved Rule is necessary to ensure financial stability of the Board for at least five years, but is hopeful of a longer period of time.

The Board received, reviewed and considered thirty (30) comments in regards to the

proposed fee increase. Notice of the proposed rule was sent to two thousand five hundred sixty-one (2,561) dentists and dental hygienists. Approximately 2.5% of the licensed dental population of West Virginia filed comments.

The Board does not wish to hinder or have the appearance of hindering any efforts made by the dental community to provide access to care to the citizens of this great state. Therefore, the Board voted to accept the proposed rule with one amendment as it relates to the Public Health Practice application fee. The proposed Public Health application fee (§5-3-4.12) of one hundred dollars (\$100) has been amended to twenty-five dollars (\$25.00).

Currently the Board is taking steps necessary to join the eGovernment community with necessary upgrades and staff training. Also, the Board is in the process of hiring a new Executive Secretary. In the near future, the Board will seek revisions to the majority of its statutes and rules to ensure the modernization and advancement of dental services. In an effort to maintain the ability to fulfill its mandated duties, as well as the stated projects, this rule is necessary to maintain financial stability and to protect the public health, safety and welfare of the citizens of West Virginia.