

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #4

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

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

CITE AUTHORITY: §30-4-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: Formation and Approval of Dental Corporations

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

\$2.60

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

**SERIES 6
FORMATION AND APPROVAL OF DENTAL CORPORATIONS;
AND DENTAL PRACTICE OWNERSHIP**

§5-6-1. General.

1.1. Scope. -- This legislative rule addresses procedures for the formation and approval of dental corporations for dentists and ownership of dental practices.

1.2. Authority. -- W. Va. Code §30-4-6.

1.3. Filing Date. --

1.4. Effective Date. --

§5-6-2. Definitions.

2.1. Dental Corporation - a company organized under W. Va. Code §30-4-28 for the purpose of rendering dental services.

2.2. Dental services. - The services rendered under W. Va. Code §30-4-1 et seq., by dentists.

2.3. Dentist - a person licensed to practice dentistry under this article.

§5-6-3. Procedures for Formation and Approval of Dental Corporations for Dentists; Fees.

3.1. ~~Dentists licensed to practice dentistry in an active status in this State~~ who desire to render dental services as a corporation shall comply with the provisions of W. Va. Code §30-4-1 et seq and apply to the Board for a certificate of authorization. No corporation ~~shall~~ may have as a shareholder anyone other than a person who is duly licensed or otherwise legally authorized to render the dental services for which the corporation was organized.

3.2. The name of a dental corporation shall contain the words "corporation," "company," "incorporated," or "limited" or ~~shall contain an~~ abbreviation of one of those words.

3.3. The name of a dental corporation shall contain nothing but the name, which must include surnames of one, some or every shareholder of the corporation, except in a case where a city, town or municipality may be used when necessary to make a name unique with the Secretary of State's Office.

3.4. Every corporation shall file with the Board, at the time of formation, the names of every shareholder of the corporation together with an initial filing fee as set forth in the Board's fee schedule, ~~Also, and~~ and on an annual basis thereafter on or before the thirtieth day of June, every corporation shall file with the Board the names of every shareholder of the corporation together with an annual renewal fee as set forth in the Board's fee schedule 5CSR3.

3.5. Every dental corporation shall file with the Board a copy of the annual report corporate license tax return required to be filed with the ~~tax commissioner of the Secretary of State of West Virginia~~ under W. Va. Code ~~§11-12C-3~~ 59-1-2a on or before the thirtieth day of June on an annual basis.

3.6. Every dental corporation in compliance with all the provisions of this rule shall be approved by ~~and remain approved by~~ the Board.

3.7. If any person ceases to be a shareholder of any dental corporation, that person shall notify the Board in writing within twenty days from the date that he or she ceased to be a shareholder of

the corporation. The fact that a person ceases to be a shareholder of a corporation ~~shall~~ may not affect the approval of the dental corporation by the Board, if the Board determines that the corporation remains in compliance with all the provision of this rule.

dentist may employ another dentist or dentists, for a period not to exceed twelve months, to provide services to patients until the practice can be sold or otherwise disposed of or closed.

§5-6-4. Notification of Non-compliance, Cessation of Rendering Dental Services.

4.1. If the Board determines that a dental corporation is not in compliance with all the provisions of W. Va. Code §30-4-1 et. seq., and this rule, ~~and should cease rendering dental services in the State~~, the Board shall notify the corporation in writing, and upon receipt of the written notice, the corporation shall cease rendering dental services in the State.

§5-6-5. Dentist - Patient Relationship.

5.1. The provisions of this rule ~~shall~~ may not be construed to alter or affect the dentist - patient relationship.

§5-6-6. Dental Practice Ownership.

6.1. Except for the following entities, only a dentist may own a dental practice in the State:

(a) Health departments or clinics of the State or local government agencies;

(b) Non-profit or charitable organizations;

(c) Community health centers;

(d) Hospitals; and

(e) Institutions or programs accredited by the Commission on Dental Accreditation of the American Dental Association to provide education and training.

§5-6-7. Deceased or Incapacitated Dentists.

7.1. In the event that a dentist is deceased or becomes incapacitated, the estate or agent of such