

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

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2004 JUN 10 P 2:05

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: 30-4-6

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: _____

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:

W Board of Dental Examiners

207 South Heber Street

Beckley, W 25801

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


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

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June 9, 2004

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

RE: 5CSR6

Dear Ms. Cooper:

It would be appreciated if the Secretary of State's office would file the enclosed Notice of Comment Period on a Proposed Rule with attachments and place the same on the State Register. Please return to us a copy of the same with the filing date shown for our records. If additional information is needed please do not hesitate to contact this office.

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

Very truly yours,


JOHN F. PARKULO
Executive Secretary

JFP/smc
Enclosure

SUMMARY OF PROPOSED RULE

To change the language of the rules to allow a larger possible number of Corporate name possibilities, while insuring the continued use of surnames, and to remove the amount of fees and inserting fees as set forth by the Board's fee schedule.

STATEMENT OF CIRCUMSTANCES

To change the language of the rules to allow a larger possible number of Corporate name possibilities, while insuring the continued use of surnames, and to remove the amount of fees and inserting fees as set forth by the Board's fee schedule.

■
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Formation And Approval Of Dental Corporations

Type of Rule: X Legislative Interpretive Procedural

Agency: West Virginia Board of Dental Examiners

Address: 207 South Heber Street

Beckley, WV 25801

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	none	none			
PERSONAL SERVICES	none	none			
CURRENT EXPENSE	none	none			
REPAIRS & ALTERATIONS	none	none			
EQUIPMENT	none	none			
OTHER	none	none			

2. Explanation of Above Estimates:

n/a

3. Objectives of These Rules:

see attachment

Rule Title: Formation And Approval Of Dental Corporations

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

none

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

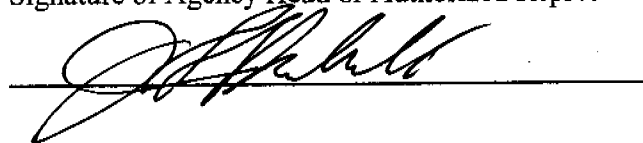
To change the language of the rules to allow a larger possible number of Corporate name possibilities, while insuring the continued use of surnames, and to remove the amount of fees and inserting fees as set forth by the Board's fee schedule.

C. Economic Impact on Citizens/Public at Large.

none

Date: June 9, 2004

Signature of Agency Head or Authorized Representative:



ATTACHMENT TO FISCAL NOTE

To change the language of the rules to allow a larger possible number of Corporate name possibilities, while insuring the continued use of surnames, and to remove the amount of fees and inserting fees as set forth by the Board's fee schedule.

TITLE 5
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF DENTAL EXAMINERS

FILED

SERIES 6
FORMATION AND APPROVAL OF DENTAL CORPORATIONS

2004 JUN 10 P 2:05

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§5-6-1. General.

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

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.

§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 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 ~~surname~~ 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 ~~of \$200.00~~ as set forth in the Board's fee schedule. Also, 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 ~~of \$150~~ as set forth in the Board's fee schedule.

3.5. Every dental corporation shall file with the Board a copy of the ~~annual~~ corporate license tax return required to be filed with the tax commissioner of the State of West Virginia under W. Va. Code §11-12C-3. ~~Every dental corporation shall also file a copy of the annual report, and a copy of any corrected annual report~~

~~filed with the tax commissioner with the Board~~ 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 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.

§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 not be construed to alter or affect the dentist - patient relationship.