

\$3.80

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March 19, 2002

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

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 file one copy with the Legislative Rule Making Review Committee and return to us a copy 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,

A handwritten signature in dark ink, appearing to read "James G. Anderson, III".

JAMES G. ANDERSON, III
Executive Secretary

JGA/smc
Enclosures

NOTICE OF COMMENT PERIOD

Please take notice that a comment period has been established during which any interested person may send comments concerning proposed Series 6, Title Number 5, Agency: West Virginia Board of Dental Examiners. This comment period will end on Friday, April 26, 2002 at 11:59 p.m. The basic substance of the rule is as follows:

1. To establish rules concerning the formation and approval of dental corporations.

Copies of the proposed rule may be obtained from the Secretary of State's Office as follows: Secretary of State, Administrative Law Division, Capitol Complex, Charleston, WV 25305, or by writing the West Virginia Board of Dental Examiners as follows: West Virginia Board of Dental Examiners, P. O. Drawer 1459, Beckley, West Virginia, 25802-1459. Comments may also be mailed to the following address: West Virginia Board of Dental Examiners, P. O. Drawer 1459, Beckley, West Virginia, 25802-1459.

Only written comments will be accepted and are to be mailed to the following address: West Virginia Board of Dental Examiners, PO Drawer 1459, Beckley, WV 25802-1459.

West Virginia Board of Dental Examiners

JAMES G. ANDERSON, III
Executive Secretary

SUMMARY OF PROPOSED RULE

To establish rules for the formation and approval of dental corporations

STATEMENT OF CIRCUMSTANCES

To establish rules for the formation and approval of dental corporations charged under new dental law (§30-4-28(b)) effective July 1, 2001.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Formation and Approval of Dental Corporations

Type of Rule: xx Legislative Interpretive Procedural

Agency: West Virginia Board of Dental Examiners

Address: PO Drawer 1459
Beckley, WV 25802-1459

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0			
PERSONAL SERVICES	0	0			
CURRENT EXPENSE	0	0			
REPAIRS & ALTERATIONS	0	0			
EQUIPMENT	0	0			
OTHER	0	0			

2. Explanation of Above Estimates:
Establish rules for the formation and approval of dental corporations as charged under 30-4-28(b).

3. Objectives of These Rules:
Establish rules for the formation and approval of dental corporations.

Rule Title: Formation and Approval of Dental Corporations

4. Explanation of Overall Economic Impact of Proposed Rule:

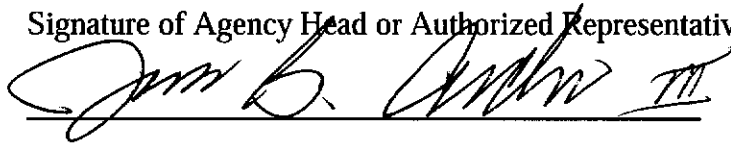
A. Economic Impact on State Government:
none

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: none

C. Economic Impact on Citizens/Public at Large.
none

Date: March 19, 2002

Signature of Agency Head or Authorized Representative:



TITLE 5
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF DENTAL EXAMINERS

FILED

SERIES 6
FORMATION AND APPROVAL OF DENTAL CORPORATIONS

2002 MAR 20 A 9:34

§5-2-1. 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. -

§5-2-2. Definitions.

2.1. Board. - The West Virginia Board of Dental Examiners, established in W. Va. Code §30-4-4.

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

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

§5-2-3. 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. No corporation shall have as a member 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 "Incorporated" or "Company" or the abbreviation "Inc." or "Co."

3.3. Dentists licensed to practice dentistry in an active status in this State who desire to render dental services as a corporation

shall also comply with the provisions of W. Va. Code §30-4-1 et seq. The name of a dental corporation shall contain nothing but the surname of every member of the corporation.

3.4. Every corporation shall file with the Board at the time of formation, and on an annual basis on or before the first day of July, the names of every member of the corporation, together with an initial filing fee of \$200 and an annual renewal fee of \$150.

3.5. Every dental corporation shall file with the Board a copy of the annual return required to be filed with the tax commissioner of the State of West Virginia under W. Va. Code §11-12C-3. The copy of the annual report, and a copy of any corrected annual report filed with the tax commissioner be filed with the Board on or before the first day of July 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 member 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 member of the corporation. The fact that a person ceases to be a member 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.

§5-2-4. 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 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.

§5-2-5. Dentist - Patient Relationship.

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