

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

Form #2

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2005 JUN 16 A 10:40

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

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

RULE TYPE: Procedural CITE AUTHORITY: 6-9A-3 & 30-4-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 7

TITLE OF RULE BEING PROPOSED: Meeting Procedures

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 20, 2005 AT 4:00 pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV Board of Dental Examiners
207 South Heber Street
Beckley, WV 25801

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


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$4.00

George D. Conard, Jr., DDS
President
6353 East Pea Ridge Road
Huntington, WV 25705

Richard D. Smith, DDS
Secretary
1501 Seventh Avenue
Charleston, WV 25312

John C. Dixon, DDS
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Bernard J. Grubler, DDS
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92 Brookshire Lane
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John F. Parkulo
Executive Secretary
207 S. Heber Street
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WEST VIRGINIA BOARD OF DENTAL EXAMINERS
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Mrs. Debra D. Dent, CDA
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Mrs. Dolores L. Gribble
11 Davis Place
Clarksburg, WV 26301

Susan M. Combs
Office Manager
207 S. Heber Street
Beckley, WV 25801

June 15, 2005

The Honorable Betty Ireland
Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

Dear Secretary Ireland:

The West Virginia Board of Dental Examiners in session June 10, 2005, approved for filing, the proposed procedural rule CSR §5-7 titled Meeting Procedures.

Enclosed is a Notice of a Comment Period on a Proposed Rule with attachments for filing. Please return to us one copy of the proposed rule with the filing date shown for our records.

If further information is needed, please do not hesitate to contact me at your earliest convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read "John F. Parkulo".

JOHN F. PARKULO
Executive Secretary

JFP/smc
Enclosures

SUMMARY OF RULE

The purpose of this rule is to set forth procedures for the Board's meetings in accordance with the Open Governmental Proceedings Act of the West Virginia Code. This rule sets forth procedures, which include the minimum number of regularly scheduled meetings per year the Board will conduct in an open session, notification of the public of regular and/or special meetings, minutes, voting and records of open proceedings.

STATEMENT OF CIRCUMSTANCES

This rule is filed in accordance with the Open Governmental Proceedings Act of the State of West Virginia which require these rules be promulgated.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Meeting Procedures

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Dental Examiners

Address: 207 South Heber Street
Beckley, WV 25801

Phone Number: 304-252-8266 Email: wbde@charterinternet.com

Fiscal Note Summary

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

The purpose of this rule is to set forth procedures for the Board's meetings in accordance with the Open Governmental Proceedings Act of the West Virginia Code. This rule sets forth procedures, which include the minimum number of regularly scheduled meetings per year the Board will conduct in an open session, notification of the public of regular and/or special meetings, minutes, voting and records of open proceedings. It should not have an impact on costs and revenues.

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	2005 Increase/Decrease (use "-")	2006 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Equipment			
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: Meeting Procedures

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

There will be no financial gain of the Board of Dental Examiners to promulgate meeting procedures.

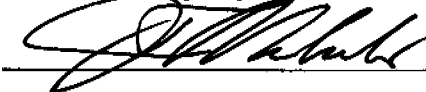
MEMORANDUM

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.

There is not expected to be any fiscal impact as a result of these rules.

Date: 6/15/05

Signature of Agency Head or Authorized Representative



TITLE 5
PROCEDURAL RULE
WEST VIRGINIA BOARD OF DENTAL EXAMINERS

FILED

2005 JUN 16 A 10:40

SERIES 7
MEETING PROCEDURES

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§5-7-1. General.

- 1.1. Scope. -- These procedural rules govern all regularly scheduled meetings and special meetings of the West Virginia Board of Dental Examiners (the "Board").
- 1.2. Authority. -- W. Va. Code §6-9A-3.
- 1.3. Filing Date. --
- 1.4. Effective Date. --

§5-7-2. Application and Enforcement

- 2.1. These procedural rules apply to the Board and to any and all individuals desiring to attend Board meetings.

§5-7-3. Definitions

- 3.1. "Board" - The West Virginia Board of Dental Examiners
- 3.2. "Meeting" - The convening of a governing body of a public body for which a quorum is required.
- 3.3. "Quorum" - A majority of the constituent membership, including one officer.

§5-7-4. Regular Meetings Established; Time, Place.

- 4.1. The Board shall meet in general session at least three times per year by a majority of a quorum of the Board.
- 4.2. The Board shall convene all meetings in accordance with the agenda as set by the Board or it's staff at least three days before each meeting.
- 4.3. The Board shall convene all regular meetings within the boundaries of the State of West Virginia.
- 4.4. The Board may, move the date and location of a meeting at least 14 days prior to a scheduled meeting date.
- 4.5. The date, time, place and agenda of all regularly scheduled meetings shall be made available to the public at least three days before each meeting.
- 4.6. The Board may cancel and/or reschedule meetings due to inclement weather and notify the public accordingly.

§5-7-5. Special Meetings; Notice Required, Time, Place And Purpose.

5.1. The Board may convene special meetings in accordance with the procedures established herein.

5.2. Special meetings of the Board may be called by the action of the president and/or executive secretary in accordance with the open meetings act.

5.3. The executive secretary shall send to all members in advance of a special meeting a written notice setting forth the time and place of such special meeting and the matters to be considered at such special meeting: Provided, That such written notice is not required if the time, place and matter for consideration have been fixed in a regular meeting or if the emergency nature of a special meeting precludes other than notice by telephone or personal contact.

5.4. The executive secretary shall cause the notification of the public by placing in the State register as expeditiously as possible. The public notice shall contain the date, time, place and purpose of the meeting.

5.5. The provisions of this section shall not apply in the event of an emergency requiring immediate official action by the Board. An emergency meeting notice may be filed at any time prior to the emergency meeting. The emergency meeting notice shall state the date, time, place and purpose of the meeting and the facts and circumstances of the emergency.

5.6. Meetings may be held by telephone conference or other electronic means.

§5-7-6. Proceedings To Be Open; Exceptions; Executive Session Permitted; Broadcasting and Recording.

6.1. All meetings of the Board shall be open to the public, except as otherwise provided in W. Va. Code §6-9A-4. Except as otherwise provided in W. Va. Code §6-9A-9, the Board shall permit any radio or television station to broadcast all or any part of a general session meeting.

§5-7-7. Minutes.

7.1 The Board shall provide for the preparation of written minutes of all of its meetings. All minutes of open meetings shall be available to the public within a reasonable time after such meetings and shall include the following information:

- (a) The date, time and place of the meeting;
- (b) The name of each Board member present or absent;
- (c) All motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the persons proposing the same and their disposition;
- (d) The results of all votes, and upon the request of a member, the vote of each member, by name; and
- (e) Minutes of executive sessions, if any are taken, may be limited to material which is not inconsistent with the provisions of W. Va. Code §6-9A-4.

§5-7-8. Quorum; Majority Open Vote Required; Vote By Proxy Prohibited.

8.1. A majority of the members of the Board shall constitute a quorum for the transaction of business, and business shall be transacted by majority of a quorum except that votes on

disciplinary actions shall require an affirmative vote of five (5) members or a majority vote, whichever is greater. Proxy voting or voting by secret or written ballot, are prohibited.

§5-7-9. Records Of The Board – Public Documents.

9.1. All records of open proceedings of the Board are public records and shall be available to the public during the usual and customary business hours of the Board.

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