

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

Form #5

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2005 JUL 27 A 11:33

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

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

CITE AUTHORITY: §6-9A-3 & §30-4-6

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

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

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS July 27, 2005


Authorized Signature

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July 26, 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 July 25, 2005, approved for filing the enclosed Notice of Agency Adoption of the procedural rule CSR §5-7 titled Meeting Procedures.

Please return to us one copy of the enclosed filing 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,


JOHN F. PARKULO
Executive Secretary

JFP/smc
Enclosures

TITLE 5
PROCEDURAL RULE
WEST VIRGINIA BOARD OF DENTAL EXAMINERS

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 7
MEETING PROCEDURES

§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. -- July 27, 2005

1.4. Effective Date. -- July 27, 2005

§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.

A notice was disseminated to the entire roster of licensed dentists and dental hygienists concerning the comment period for these proposed rules. There were no comments received regarding the content of these proposed rules. Therefore, no changes were made to the rules.