

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

Form #2

Do Not Mark In This Box

FILED

2005 JUN 16 A 10:42

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: 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: 9

TITLE OF RULE BEING PROPOSED: Application Procedures for Licensure or Certificate

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

#21.40

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
1961 Parkwood Road
Charleston, WV 25314

Bernard J. Grubler, DDS
154 Leewood Farms Road
Wheeling, WV 26003

James W. Vargo, DDS
92 Brookshire Lane
Beckley, WV 25801

John F. Parkulo
Executive Secretary
207 S. Heber Street
Beckley, WV 25801



WEST VIRGINIA BOARD OF DENTAL EXAMINERS
207 S. HEBER STREET
BECKLEY, WV 25801
(304) 252-8266
Toll Free (877) 914-8266
Fax: (304) 253-9454
www.wvdentalboard.org
wbde@charterinternet.com

David G. Edwards, DDS
1512 Commerce Street
Wellsburg, WV 26070

Mrs. Dina Agnone Vaughan, BSDH, MS
10 Francis Way
Lewisburg, WV 24901

Mrs. Debra D. Dent, CDA
56 Silver Maple Lane
Union, WV 24983

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 §5-9 titled Application Procedures for Licensure or Certificate.

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

This rule sets forth the procedures for which an application for licensure or certificate is to be processed. This includes application for a dental license, application of licensure of a dentist from out of state, application of licensure of a dental hygienist, application of licensure of a dental hygienist from out of state, application of licensure as a dental specialist; certificate to perform expanded duties and compensation and expenses.

STATEMENT OF CIRCUMSTANCES

The Board promulgates these rules pursuant to its authority as set forth in §30-1-6 and §30-4-6 of the West Virginia Code. The Board is of the opinion these procedures will assist all professionals with whom the Board regulates as to the procedures necessary to apply for licensure or certificates in conformance with current law.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Application Procedures for Licensure or Certificate

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.

This rule sets forth the procedures for which an application for licensure or certificate is to be processed. This includes application for a dental license, application of licensure of a dentist from out of state, application of licensure of a dental hygienist, application of licensure of a dental hygienist from out of state, application of licensure as a dental specialist; certificate to perform expanded duties and compensation and expenses. 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: Application Procedures for Licensure or Certificate

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 application 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

SERIES 9
APPLICATION PROCEDURES FOR LICENSURE OR CERTIFICATION

FILED
2005 JUN 16 A 10:42
OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

§5-9-1. General.

1.1. Scope. -- This rule regulates the requirements for licensure or permit for a dentist, dental specialist, dental hygienist and/or dental assistant.

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

1.3. Filing Date. --

1.4. Effective Date. --

§5-9-2. Definitions.

As used in this rule, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

2.1. "Board" means the West Virginia Board of Dental Examiners;

2.2. "License" means a document issued by the board upon original licensure as a dentist, dental specialist or dental hygienist.

2.3. "Certificate" means a document issued by the board to a dental hygienist or dental assistant to perform expanded duties requiring a board approved course and examination.

2.4. "Dental Specialist" means a person issued a license to practice only one certain branch of dentistry.

§5-9-3. Application for Licensure of a Dentist

3.1. Persons seeking licensure as a dentist shall submit an application to the Board prescribed by the Board.

3.2. Each applicant shall submit a fee for application as set forth in the Board's fee schedule.

3.3. Each applicant shall submit evidence of graduation with a diploma from an approved dental college, school or dental department of a university shall be submitted by being attached to the appropriate portion of the application. A letter from the dental college, school or dental department of a university verifying the applicants diploma bearing the school or registrar's seal or official transcript bearing the school or registrar's seal may be accepted in lieu of the application portion and must be sent directly from the college or university to the Board's office.

3.4. Each applicant shall submit evidence of the applicant's successful completion of the examination administered by the Joint Commission on National Dental Examinations sent directly from the Commission to the Board's office.

3.5. Each applicant shall submit evidence of the applicant's successful completion of an examination by a regional and/or state clinical board approved by the Board sent directly from the regional or state board to the Board's office.

3.6. Each applicant shall successfully complete the West Virginia Dental Law Examination.

3.7. Each applicant shall submit verification of good standing of all health care licenses ever held in any jurisdiction by way of a formal letter from each entity issuing said licenses bearing said entities official seal or stamp sent directly to the Board's office.

3.8. Each applicant shall submit verification of good moral character by two letters of recommendation from persons who know the applicant professionally. Letters shall be sent directly to the Board office by way of mail or facsimile from the persons writing them. Letters from the applicant's family or teachers from their dental college or university will not be accepted.

3.9. Each applicant shall be personally interviewed with the West Virginia Board of Dental Examiners and/or appointed person by the Board who is or are Board Members or past Board Members. Applicants who are or have been given the law exam in a mass examination at a dental hygiene school within the boundaries of the State of West Virginia are exempted from this requirement.

§5-9-4. Application of Licensure of a Dentist from out of State

4.1. Persons seeking licensure as a dentist shall submit an application to the Board prescribed by the Board.

4.2. Each applicant shall submit a fee for application as set forth in the Board's fee schedule.

4.3. Each applicant shall submit evidence that he or she holds a license to practice dentistry in another state which was granted after completion of educational requirements substantially equivalent to those required in this state by way of a formal letter from the state issuing said license bearing said state's official seal or stamp sent directly to the Board's office or by submitting evidence of graduation with a diploma from an approved dental college, school or dental department of a university by being attached to the appropriate portion of the application. A letter from the dental college, school or dental department of a university verifying the applicants diploma bearing the school or registrar's seal or official transcript bearing the school or registrar's seal may be accepted in lieu of the application portion and must be sent directly from the college or university to the Board's office.

4.4 Each applicant shall submit evidence of the applicant's successful completion of the examination administered by the Joint Commission on National Dental Examinations sent directly from the Commission to the Board's office.

4.5. Each applicant shall submit evidence of the applicant's successful completion of an examination by a regional and/or state clinical board approved by the Board sent directly from the regional or state board to the Board's office.

4.6. Each applicant shall successfully complete the West Virginia Dental Law Examination.

4.7. Each applicant shall submit verification of good standing of all health care licenses ever held in any jurisdiction by way of a formal letter from each entity issuing said licenses indicating

he or she is not currently being investigated by a disciplinary authority of another state, does not have charges pending against his or her license to practice dentistry and has never had a license to practice dentistry revoked bearing said entities official seal or stamp sent directly to the Board's office.

4.8. Each applicant shall submit verification of good moral character by two letters of recommendation from persons who know the applicant professionally. Letters shall be sent directly to the Board office by way of mail or facsimile from the persons writing them. Letters from the applicant's family or teachers from their dental college or university will not be accepted.

4.9. Each applicant shall be personally interviewed with the West Virginia Board of Dental Examiners and/or appointed person by the Board who is or are Board Members or past Board Members.

§5-9-5. Application of Licensure of a Dental Hygienist

5.1. Persons seeking licensure as a dental hygienist shall submit an application to the Board prescribed by the Board.

5.2. Each applicant shall submit a fee for application as set forth in the Board's fee schedule.

5.3. Each applicant shall submit evidence of graduation with a degree in dental hygiene from an approved dental hygiene program of a college, school or dental department of a university shall be submitted by being attached to the appropriate portion of the application. A letter from the dental college, school or dental department of a university verifying the applicants diploma bearing the school or registrar's seal or official transcript bearing the school or registrar's seal may be accepted in lieu of the application portion and must be sent directly from the college or university to the Board's office.

5.4. Each applicant shall submit evidence of the applicant's successful completion of the examination administered by the Joint Commission on National Dental Examinations sent directly from the Commission to the Board's office.

5.5. Each applicant shall submit evidence of the applicant's successful completion of an examination by a regional and/or state clinical board approved by the Board sent directly from the regional or state board to the Board's office.

5.6. Each applicant shall successfully complete the West Virginia Dental Law Examination.

5.7. Each applicant shall submit verification of good standing of all health care licenses ever held in any jurisdiction by way of a formal letter from each entity issuing said licenses bearing said entities official seal or stamp sent directly to the Board's office.

5.8. Each applicant shall submit verification of good moral character by two letters of recommendation from persons who know the applicant professionally. Letters shall be sent directly to the Board office by way of mail or facsimile from the persons writing them. Letters from the applicant's family or teachers from their dental hygiene college or university will not be accepted.

5.9. Each applicant shall be personally interviewed with the West Virginia Board of Dental Examiners and/or appointed person by the Board who is or are Board Members or past Board Members. Applicants who are or have been given the law exam in a mass examination at a dental hygiene school within the boundaries of the State of West Virginia are exempted from this

requirement.

§5-9-6. Application for Licensure of a Dental Hygienists from out of State

6.1. Persons seeking licensure as a dental hygienist shall submit an application to the Board prescribed by the Board.

6.2. Each applicant shall submit a fee for application as set forth in the Board's fee schedule.

6.3. Each applicant shall submit evidence he or she holds a dental hygiene license in another state which was granted after completion of educational requirements substantially equivalent to those required in this state by way of a formal letter from the state issuing said license bearing said state's official seal or stamp sent directly to the Board's office or by submitting evidence of graduation with a degree in dental hygiene from an approved dental hygiene program of a college, school or dental department of a university shall be submitted by being attached to the appropriate portion of the application. A letter from the dental college, school or dental department of a university verifying the applicants diploma bearing the school or registrar's seal or official transcript bearing the school or registrar's seal may be accepted in lieu of the application portion and must be sent directly from the college or university to the Board's office.

6.4. Each applicant shall submit evidence of the applicant's successful completion of the examination administered by the Joint Commission on National Dental Examinations sent directly from the Commission to the Board's office.

6.5. Each applicant shall submit evidence of the applicant's successful completion of an examination by a regional and/or state clinical board approved by the Board sent directly from the regional or state board to the Board's office.

6.6. Each applicant shall successfully complete the West Virginia Dental Law Examination.

6.7. Each applicant shall submit verification of good standing of all health care licenses ever held in any jurisdiction by way of a formal letter from each entity issuing said licenses bearing said entities official seal or stamp sent directly to the Board's office.

6.8. Each applicant shall submit verification of good moral character by two letters of recommendation from persons who know the applicant professionally. Letters shall be sent directly to the Board office by way of mail or facsimile from the persons writing them. Letters from the applicant's family or teachers from their dental hygiene college or university will not be accepted.

6.9. Each applicant shall be personally interviewed with the West Virginia Board of Dental Examiners and/or appointed person by the Board who is or are Board Members or past Board Members.

§5-9-7. Application for Licensure as a Dental Specialist

7.1. Persons seeking licensure as a dental specialist must obtain a dental license before applying for a license as a dental specialist.

7.2. Persons seeking licensure as a dental specialist shall submit an application to the Board prescribed by the Board.

7.3. Each applicant shall submit a fee for application as set forth in the Board's fee schedule.

7.4. Each applicant shall submit evidence of graduation of a board recognized specialty program accredited by the Commission on Dental Accreditation or its successor agency by being attached to the appropriate portion of the application. A letter from the specialty program verifying the applicants diploma bearing the program or registrar's seal or official transcript bearing the program or registrar's seal may be accepted in lieu of the application portion and must be sent directly from the program to the Board's office.

7.5. Each applicant shall submit verification of good standing of all health care licenses ever held in any jurisdiction by way of a formal letter from each entity issuing said licenses bearing said entities official seal or stamp sent directly to the Board's office.

7.6. Each applicant shall submit verification of good moral character by two letters of recommendation from persons who know the applicant professionally. Letters shall be sent directly to the Board office by way of mail or facsimile from the persons writing them. Letters from the applicant's family or teachers from their dental college, university or specialty program will not be accepted.

7.7. Each applicant shall be personally interviewed by the West Virginia Board of Dental Examiners and/or appointed person by the Board who is or are Board Members or past Board Members or an appointed member of the applicant's specific specialty branch.

§5-9-8. Certificate to Perform Expanded Duties

8.1. Dental Hygienists or Dental Assistants seeking a certificate to perform expanded duties that require a board approved course and examination shall submit an application to the Board prescribed by the Board.

8.2. Each applicant shall submit a fee for application as set forth in the Board's fee schedule.

8.3. Each applicant shall submit evidence of successful completion of a board approved course by being attached to the appropriate section of the application or submitting a copy of a certificate of completion of a board approved course along with their application.

8.4. Each applicant shall submit evidence of passage of a board approved examination by being attached to the appropriate section of the application or being sent directly by the examining entity to the Board's office.

8.5. Each applicant for local anesthesia and/or nitrous oxide monitoring shall submit a copy of a current health care provider BLS/CPR card with their application.

§5-9-9. Compensation and Expenses

9.1 Board Members, appointed past Board Members or members of specialty branches shall be paid and reimbursed expenses pursuant to §30-1-11 and §30-4-16 of the West Virginia Code.

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
1961 Parkwood Road
Charleston, WV 25314

Bernard J. Grubler, DDS
154 Leewood Farms Road
Wheeling, WV 26003

James W. Vargo, DDS
92 Brookshire Lane
Beckley, WV 25801

John F. Parkulo
Executive Secretary
207 S. Heber Street
Beckley, WV 25801



WEST VIRGINIA BOARD OF DENTAL EXAMINERS
207 S. HEBER STREET
BECKLEY, WV 25801
(304) 252-8266
Toll Free (877) 914-8266
Fax: (304) 253-9454
www.wvdentalboard.org
wvbde@charterinternet.com

David G. Edwards, DDS
1512 Commerce Street
Wellsburg, WV 26070

Mrs. Dina Agnone Vaughan, BSDH, MS
10 Francis Way
Lewisburg, WV 24901

Mrs. Debra D. Dent, CDA
56 Silver Maple Lane
Union, WV 24983

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 §5-9 titled Application Procedures for Licensure or Certificate.

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,


JOHN F. PARKULO
Executive Secretary

JFP/smc
Enclosures