



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Dentistry WV Board of TITLE-SERIES: 5-03
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 5-03 Fees Established By The Board

PRIMARY CONTACT

NAME: WV Board of Dentistry
ADDRESS: PO Box 1447
Crab Orchard, WV 25827

EMAIL:

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CITE STATUTORY AUTHORITY: §30-1-6 & 30-4-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§30-1-6 authorizes boards to establish fees by rules, §30-4-6 authorizes the Board of Dentistry to establish a fee schedule by rule.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/21/2026

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/22/2026

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING:

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

Notice was placed on the Board's website, emailed to licensees and mailed to those licensees who did not have an email on file.

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This rule establishes the fees necessary to implement the provisions of Chapter 30, Articles 4 & 4A of the WV Code.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

This proposed rule removes the separate application fees for out-of-state dentists and dental hygienists. These fees are currently different from the in-state application fees. Under the proposed rule, all applicants will pay the same application fee regardless of residency. The proposed rule decreases some of the fees related to mobile dental facilities and portable dental units. The proposed rule also removes several fees that have not been implemented or collected by the Board. Additionally, the proposed rule adds the Universal Licensing application fee, the Non-Surgical Laser Therapy application fee, and the Coronal Polishing application fee, which reflect fees currently collected by the Board that set forth in other series of rules. Finally, the proposed rule adds roster fees for anesthesia permit holders and registered business organizations to the existing roster fee provisions.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

This rule should not impact the revenues of State Government.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

This rule will have an impact on the Board's special revenue account. It is estimated the revenue will decrease by \$3,000 based on the fees collected in prior fiscal years.

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

This rule should not have an impact on the state or its residents.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2026 Increase/Decrease (use "-")	2027 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			-\$3500.00

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

Based on a review of the fees proposed for adjustment whether increased or decreased the affected fees generated approximately \$23,376 in revenue during 2026. Assuming the same number and type of applications and renewals are received after the proposed fee changes take effect, those same fees would generate approximately \$19,876 in revenue. This represents an estimated reduction in annual revenue of \$3,500.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Susan Combs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

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TITLE 5
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF DENTISTRY
SERIES 3
FEES ESTABLISHED BY THE BOARD

§5-3-1. General.

- 1.1. Scope. - This legislative rule establishes fees for the Board of Dentistry.
- 1.2. Authority. - W. Va. Code §§30-1-6 and 30-4-6.
- 1.3. Filing Date. - ~~May 9, 2022~~
- 1.4. Effective Date. - ~~August 7, 2022~~
- 1.5. Sunset Provision - This rule shall terminate and have no further force or effect on August 1, ~~2027~~ 2037.

§5-3-2. Schedule of Fees for Dentists.

- 2.1. Dental Licensure Application\$167.00
- 2.2. Re-examination fee for Dentists (Law Exam).....\$18.00
- ~~2.3. Out of State Dentist—Dental Licensure Application..... \$180.00~~
- ~~2.4.3. Dental Intern/Dental Residency Permit.....\$180.00~~ 167.00
- ~~2.5.4. Teaching Permit.....\$180.00~~ 167.00
- 2.5. Universal Licensing Application\$167.00
- 2.6. Investigation of Qualification for Temporary, Dental Intern/Dental Residency or Teaching Permits..... \$45.00
- Telehealth Registration Application (teledentistry).....\$167.00
- 2.7. Annual Information & Renewal fee for a Dentist.....\$167.00

§5-3-3. Schedule of fees for Specialty Licensure for Dentists.

- 3.1. Dental Specialty Licensure Application.....\$270.00

§5-3-4. Schedule of Fees for Hygienists.

- 4.1. Dental Hygiene Licensure Application.....\$68.00
- 4.2. Re-examination fee for Dental Hygienists (Law Exam).....\$18.00
- ~~4.3. Out of State Dental Hygienist—Dental Hygienist Licensure Application..... \$90.00~~
- 4.3. Universal Licensing Application..... \$68.00

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4.4. Temporary Permit.....	\$90.00
4.54. Teaching Permit.....	\$90.00 68.00
4.65. Investigation of Qualification for Temporary, or Teaching Permits.....	\$45.00
<u>Telehealth Registration Application (teledentistry).....</u>	<u>\$68.00</u>
4.76. Annual Information & Renewal fee for a Dental Hygienist.....	\$68.00
4.86. Annual Information & Renewal fee for a Dental Hygienists employed by a public health agency.....	\$59.00
4.97. Local Anesthesia Certificate Application fee.....	\$45.00
4.108. Nitrous Oxide Monitoring Certificate Application fee.....	\$45.00
4.119. Bleaching <u>Non-Surgical Laser Therapy</u> Certificate Application fee.....	\$23.00 45.00
4.1210. General Supervision <u>permit</u> Application fee.....	\$90.00 45.00
4.1311. Public Health Practice <u>permit</u> Application fee.....	\$23.00 45.00
4.14. Annual Renewal fee of Local Anesthesia Certificate.....	\$23.00
4.15. Annual Renewal fee of General Supervision Certificate.....	\$45.00
4.16. Annual Renewal fee of Public Health Practice Certificate.....	\$23.00

§5-3-5. Schedule of Fees for Dental Assistants.

5.1. Nitrous Oxide Monitoring Certificate Application fee.....	\$23.00
5.2. Orthodontic and/or Restorative Expanded Duties Certificate Application fee.....	\$23.00
5.3. <u>Coronal Polishing Certificate Application fee.....</u>	<u>\$23.00</u>

§5-3-6. Schedule of Fees for Dental Corporations.

6.1. Application to Form a Dental Corporation.....	\$225.00
6.2. Annual renewal fee for a Dental Corporation.....	\$135.00
6.3. Authorization of a Name Change.....	\$23.00

§5-3-7. Schedule of fees for Anesthesia.

7.1. Class Two Certification Application Fee.....	\$45.00
7.2. Class Two Certification Renewal Fee.....	\$14.00 23.00
7.3. Class Three or Four Permit Application Fee.....	\$810.00
7.4. Class Three or Four Permit Renewal Fee.....	\$270.00

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7.5. Qualified Monitor Application Fee.....	\$45.00
7.6. Qualified Monitor Annual Renewal Fee.....	\$23.00
7.7. Facility Inspection.....	\$180.00

§5-3-8. Schedule of fees for Professional Limited Liability Companies.

8.1. Application to Form a Dental Professional Limited Liability Company.....	\$225.00
8.2. Annual Renewal fee for a Professional Limited Liability Company.....	\$158.00
8.3. Authorization of a Name Change.....	\$23.00

§5-3-9. Schedule of fees for Mobile Dental Facilities and Portable Dental Units.

9.1. Mobile Dental Facility Permit Application fee.....	\$1,350.00 <u>950.00</u>
9.2. Mobile Dental Facility Permit Application fee for Non-Profits.....	\$225.00 <u>150.00</u>
9.3. Mobile Dental Facility Permit Renewal fee.....	\$900.00 <u>500.00</u>
9.4. Mobile Dental Facility Permit Renewal Fee for Non-Profits.....	\$225.00 <u>100.00</u>
9.5. Portable Dental Unit Permit Application fee.....	\$450.00 <u>350.00</u>
9.6. Portable Dental Unit Permit Application fee for Non-Profits.....	\$45.00
9.7. Portable Dental Unit Permit Renewal fee.....	\$225.00 <u>150.00</u>
9.8. Portable Dental Unit Permit Renewal fee for Non-Profits.....	\$45.00

§5-3-10. Schedule for Miscellaneous Fees.

10.1. Verification of Licensure to another State (Charge for licensee).....	\$23.00
10.2. Verification of Licensure (other entities) per name.....	\$23.00
10.3. Course approval application fee.....	\$90.00
10.4. Duplicate renewal license.....	\$5.00
10.5. Duplicate wall certificate.....	\$10.00
10.6. Roster of Active Dental or Hygiene Licensees or Hygiene or Assistant Expanded Duties Certificate Holders <u>or Anesthesia Permit Holders or registered Business Organizations</u> (paper, email, or cd).....	\$90.00 per list
10.7. Roster of Active Dental or Hygiene Licensees or Hygiene or Assistant Expanded Duties Certificate Holders <u>or Anesthesia Permit Holders or registered Business Organizations</u> (labels).....	\$180.00 per list
10.8. Roster of Active Dental or Hygiene Licensees or Hygiene or Assistant	

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Expanded Duties Certificate Holders or Anesthesia Permit Holders or registered Business Organizations
(one county, one dental specialty, etc.).....\$10.00 per list
(paper, email or labels)

10.9. Miscellaneous Copies (first page).....\$3.00
additional pages.....\$0.25

10.10. Retrieval Fee.....\$25.00

§5-3-11. Late Renewal and Late Continuing Education Fees

11.1. Any Dental, Dental Specialty, Hygiene, Anesthesia, Corporation, PLLC, etc. that fail to renew by the specified renewal date, shall be assessed a penalty fee equal to the renewal fee, in addition to other conditions of renewal as set forth by statute or rule.

11.2. Any Licensee that fails to report their continuing education requirements as set forth by statute or rule by the required reporting date shall be assessed a penalty fee equal the annual renewal fee of the licensee.

§5-3-12. Returned Checks.

12.1. Returned Check Charge.....\$25.00

12.2. Failure to replace renewal or application fees due to a returned check and pay the returned check charge shall constitute grounds for denial, revocation or suspension of a license.

§5-3-13. Non Refundable.

13.1. All fees are non-refundable.