

WEST VIRGINIA BOARD OF DENTISTRY  
REGULATORY REVIEW REPORT  
DUE NOVEMBER 1, 2018

SERIES 1

RULE FOR THE WEST VIRGINIA BOARD OF DENTISTRY

**DESCRIPTION:** This rule is considered a general rule that covers several items regulated by the Board. These items include dental specialties, dental intern, dental resident, or teaching permits, suspension or revocation of a license, designation of testing bodies, practice of dentistry under a trade name, renewals, reinstatements, waivers for active duty military or accompanying spouse, change of address and criminal history record checks.

According to the records available the rule was first promulgated on June 15, 1971, with modifications effective on the following dates:

4/16/1990

4/8/1991

5/12/1994

5/12/1997

7/8/2003

7/1/2005

4/1/2008

7/1/2009

6/1/2013

6/1/2014

**DETERMINATION:** The Board is currently studying several items in this rule for possible future changes. Nationally, there are changes being made in regards to specialty recognition as well as the format and administration of regional clinical boards. It is possible the Board may propose changes to these sections in the next year or two. At this time, the Board proposes the rule be continued with no changes.

**REASONS:** The filing deadline has already passed. The Board is not prepared to make the decisions concerning specialty and regional board items at this time.

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SERIES 2

FORMATION AND APPROVAL OF PROFESSIONAL LIMITED LIABILITY COMPANIES

**DESCRIPTION:** This legislative rule sets forth the procedures for the formation and approval of PLLCs, authorization of name changes, non-compliance and cessation of rendering professional services.

According to the records available the rule was first promulgated on April 13, 1998, with modifications effective on the following dates:

7/1/2005

6/1/2014

6/1/2015

**DETERMINATION:** These rule are basic procedures for the initial authorization and renewal of a PLLC. At this time, the Board proposes the rule be continued with no changes.

**REASONS:** No indication for changes to the rule.

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SERIES 3

FEES ESTABLISHED BY THE BOARD

DESCRIPTION: This legislative rule establishes the Board's fee schedule.

According to the records available the rule was first promulgated on June 1, 2001, with modifications effective on the following dates:

4/18/2006

4/15/2012

5/1/2014

DETERMINATION: The Board appears to be financially stable at this time with no immediate plans for a fee increase. The Board proposes the rule be continued with no changes.

REASONS: No indication for changes to the rule.

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SERIES 4

CONTESTED CASE HEARING PROCEDURES

DESCRIPTION: This procedural rule specifies the procedure for the adjudication of contested case hearings before the Board.

According to the records available the rule was first promulgated on February 5, 2001, with modifications effective on the following dates:

6/1/2007  
9/1/2015

DETERMINATION: The procedures set forth in this rule appear to be in line with normal hearing procedures. The Board proposes the rule be continued with no changes.

REASONS: No indication for changes to the rule.

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SERIES 5

DISCIPLINARY AND COMPLAINT PROCEDURES

DESCRIPTION: This procedural rule specifies the procedure for the investigation and resolution of complaints against dentists and dental hygienists.

According to the records available the rule was first promulgated on February 5, 2001, with modifications effective on the following dates:

6/1/2007

DETERMINATION: The procedures set forth in this rule appear to be effective procedures to investigate and process complaints. The Board proposes the rule be continued with no changes.

REASONS: No indication for changes to the rule.

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SERIES 6

FORMATION AND APPROVAL OF DENTAL CORPORATION AND DENTAL PRACTICE  
OWNERSHIP

DESCRIPTION: This legislative rule specifies the procedures for the formation and approval of dental corporations and ownership of dental practices.

According to the records available the rule was first promulgated on July 28, 2003, with modifications effective on the following dates:

7/1/2005

7/1/2009

6/1/2014

6/1/2015

DETERMINATION: These rules are basic procedures for the initial authorization and renewal of a dental corporation and ownership of a dental practice. At this time, the Board proposes the rule be continued with no changes.

REASONS: No indication for changes to the rule.

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SERIES 7

MEETING PROCEDURES

**DESCRIPTION:** This procedural rule specifies the procedures for meetings and special meetings of the Board.

According to the records available the rule was first promulgated on August 27, 2005, with no modifications.

**DETERMINATION:** These rules are basic meeting procedures. At this time, the Board proposes the rule be continued with no changes.

**REASONS:** No indication for changes to the rule.

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SERIES 8

DENTAL ADVERTISING

DESCRIPTION: This legislative rule specifies regulations for advertising the practice of dentistry.

According to the records available the rule was first promulgated on May 1, 2006, with modifications effective on the following dates:

6/1/2014

DETERMINATION: These rules deal with how a dentist may advertise and the announcement of services. This advertising rule may be affected from the study in regards to dental specialties, which the Board is currently conducting. However, at this time, the Board proposes the rule be continued with no changes.

REASONS: No indication for changes to the rule at this time.

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SERIES 9

APPLICATION PROCEDURES

DESCRIPTION: This procedural rule specifies requirements and procedures for various licensures or permits issued by the Board.

According to the records available the rule was first promulgated on August 27, 2005, with modifications effective on the following dates:

4/1/2015

7/10/2017

DETERMINATION: These rules appear to be sufficient. However, should the Board make any decisions in regards to specifics of clinical board exams, the rule may need to be updated in the future. However, at this time, the Board proposes the rule be continued with no changes.

REASONS: No indication for changes to the rule at this time.

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SERIES 10

PRACTITIONER REQUIREMENTS FOR ACCESSING THE WEST VIRGINIA CONTROLLED  
SUBSTANCES MONITORING PROGRAM DATABASE

**DESCRIPTION:** This legislative rule specifies requirements for dentists who prescribe controlled substances and have a valid DEA registration to access the WVCSMP for information regarding specific patients for whom they are providing pain-relieving controlled substances as part of treatment for chronic, nonmalignant pain but who are not suffering from a terminal illness and the documentation in the patient's records.

According to the records available the rule was first promulgated on June 1, 2013, with modifications effective on the following dates:

6/1/2014

**DETERMINATION:** These rules appear to be sufficient requirements to access the CSMP. The Board proposes the rule be continued with no changes.

**REASONS:** No indication for changes to the rule at this time.

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SERIES 11

CONTINUING EDUCATION REQUIREMENTS

**DESCRIPTION:** This legislative rule specifies requirements for continuing education requirements for the Board's licensees or permittees.

According to the records available, this rule was once part of Series 1 of the Board's rules and made it's own rule, which was first promulgated on June 1, 2013, with modifications effective on the following dates:

6/1/2014

9/1/2016

**DETERMINATION:** These rules appear to be sufficient requirements for continuing education of dentists and dental hygienists. The Board proposes the rule be continued with no changes.

**REASONS:** No indication for changes to the rule at this time.

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SERIES 12

ADMINISTRATION OF ANESTHESIA BY DENTISTS

**DESCRIPTION:** This legislative rule specifies requirements for dentists who administer sedation to their patients as well as monitoring requirements.

According to the records available the rule was first promulgated on June 2, 2014, with no modifications.

**DETERMINATION:** These rules appear to be sufficient requirements concerning education, equipment and emergency drugs, and qualified monitors and continuous monitoring. The Board proposes the rule be continued with no changes.

**REASONS:** No indication for changes to the rule at this time.

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SERIES 13

EXPANDED DUTIES OF DENTAL HYGIENISTS AND DENTAL ASSISTANTS

**DESCRIPTION:** This legislative rule establishes expanded duties to be performed by dental hygienists and dental assistants.

According to the records available, this rule was once part of Series 1 of the Board's rules and made it's own rule, which was first promulgated on June 1, 2013, with modifications effective on the following dates:

6/1/2014

**DETERMINATION:** These rules appear to be sufficient for expanded duties at this time. The Board proposes the rule be continued with no changes.

**REASONS:** No indication for changes to the rule at this time.

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SERIES 14  
MOBILE DENTAL FACILITIES & PORTABLE DENTAL UNITS

DESCRIPTION: This legislative rule regulates mobile dental facilities.

According to the records available the rule was first promulgated on June 1, 2014, with no modifications.

DETERMINATION: These rules appear to be sufficient for the requirements for mobile dental facilities and portable dental units at this time. The Board proposes the rule be continued with no changes.

REASONS: No indication for changes to the rule at this time.

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SERIES 15  
RULES FOR DENTAL RECOVERY NETWORKS

**DESCRIPTION:** This legislative rule sets forth specific guidelines for dental recovery networks.

According to the records available the rule was first promulgated on June 2, 2015, with no modifications.

**DETERMINATION:** These rules appear to be sufficient for the requirements for dental recovery networks at this time. The Board proposes the rule be continued with no changes.

**REASONS:** No indication for changes to the rule at this time.