



THE DENTAL EXAMINER

West Virginia Board of
Dental Examiners

Fall 2009

November 1, 2009

A Message from the President

Greetings from the West Virginia Board of Dental Examiners. Again, your Board has been busy this year on both a state and national level.

The West Virginia Legislature has enacted the necessary changes in our rules that allow general supervision and public health practice for dental hygienists. Dental assistants are now permitted to coronally polish the teeth of children. These changes will help to increase access to dental care in West Virginia.

For those who visit the Board's website (www.wvdentalboard.org), you will find it has been redesigned, making it far more user friendly. Answers to many of your questions can be found on the website. I invite you to take a look and urge you to use it when questions arise.

I am especially pleased to report that our attorney, Darlene Raltiff-Thomas, has been given a full time assignment to the Dental Board. This assignment puts the Board in a much better position to expedite the processing of complaints against dentists and hygienists, as well as many other legal matters that come before the Board.

I want to thank our "retiring" citizen member, Dolores Gribble, for her many years of dedicated service to the Board and the citizens of West Virginia. Dolores has gone above and beyond the call of duty and she will be missed by all of us. We wish her God speed in her "non-board" life. With Dolores' departure from the Board, I wish to wel-

come our new citizen member, Mr. William E. Ford, III, of Clarksburg. Bill has recently been appointed by Governor Joe Manchin to a term ending June 30, 2012. I look forward to having his input on issues that come before the Board.

On the national level, Board member, Dr. Richard Duff Smith, has taken the position of Editor of the American Association of Dental Examiners. Duff's way with words will serve the AADE well, as he is well suited for word "smithing" tasks.

This year the Board signed contracts with CITA (Council of Interstate Testing Agencies), CRDTS (Central Regional Dental Testing Service), and WREB (Western Regional Examining Board). The contracts with CITA and CRDTS have been completed with Drs. George Conard & Michelle Klenk being appointed to the Board of Directors of CITA and Dr. Craig Meadows being appointed to the Steering Committee of CRDTS. It is expected that our contract with WREB will be completed in January 2010, making West Virginia the only state to be a member of all regional testing agencies, giving our Board input into the development of all regional board examinations.

West Virginia University School of Dentistry continues to offer SRTA (Southern Regional Testing Agency) and NERB (Northeast Regional Board) examinations, giving candidates a choice in examinations. West Virginia is one of the few states in the country to offer two board examinations to its dental and dental hygiene students.



David G. Edwards, DDS

I cannot emphasize strongly enough the fact that your Board could not function without the tireless efforts of Marc Harman, Executive Secretary, Susan Combs, Assistant Executive Secretary and Carolyn Brewer, Office Manager. My heartfelt thanks to these wonderful people.

Finally, I would like to thank the ladies and gentlemen of our dental community for placing their confidence in each of us serving on the Board of Dental Examiners. As I begin my second five-year term and second term as Board President, I pledge to you we will all continue to serve the profession, while first and foremost serving and protecting the citizens of West Virginia to the very best of our abilities.

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**WV State Flower
Rhododendron**

**2009
Legislative
Changes
Outlined**



**West Virginia
State Capitol Building**

Licensure Statistics

<p>DENTAL</p> <p>Total Active 1217</p> <p>Total Retired 178</p> <p>Practicing in WV 856</p> <p>Active Volunteer 3</p>	<p>DENTAL ANESTHESIA</p> <p>Class 2 26</p> <p>Class 3A 25</p> <p>Class 3B 11</p> <p>Class 4 37</p>	<p>HYGIENE</p> <p>Total Active 1258</p> <p>Total Retired 134</p> <p>Practicing in WV 824</p>	<p>DENTAL ASSISTANTS</p> <p>Nitrous Monitoring 602</p> <p>Restorative 527</p> <p>Orthodontic 282</p>
		<p>HYGIENE PERMITS</p> <p>General Supervision 445</p> <p>Public Health 45</p> <p>Local Anesthesia 145</p> <p>Bleaching 310</p> <p>Nitrous Monitoring 346</p>	

Legislative Update

The 2009 West Virginia Legislature approved the Board's rules allowing general supervision and public health practice of Dental Hygienists. Hygienists must apply for a permit to practice under general supervision or engage in public health practice.

Requirements for a licensed hygienist to obtain a general supervision permit are two years and three thousand hours of clinical hygiene experience, completion of a three-hour course in medical emergencies, and an application fee of twenty-five dollars. Four hundred forty-five general supervision permits have been issued.

Requirements for a licensed hygienist to obtain a public health permit are two years and three thousand hours of clinical hygiene experience, complete a three-hour course in medical emergencies, complete a three-hour course in general public health content, and an application fee of twenty-five dollars. Forty-five public health permits have been issued. An annual report on services provided outside of private practice is required of hygienists who hold one of these permits.

The rule also allows dental assistants with two years and three thousand hours of clinical experience who hold a restorative or orthodontic expanded duties certificate and have completed a board-approved course in coronal polishing to perform coronal polishing on children under 21

years of age using a slow-speed hand piece with a rubber cup. An application must be completed with a ten dollar certificate fee. A certificate must be obtained from the Board to perform this duty.

Continuing Education rules have been updated for dentists and hygienists, as well as volunteer licensees. **A licensee's first reporting period is now determined by date of licensure.** The 2008 Legislature passed a law allowing for volunteer licenses to be issued to retired or retiring dentists and any dentist eligible for licensure in West Virginia for the treatment of indigent and needy patients in clinics organized, in whole or in part, for the delivery of health care services without charge.

A rule concerning practice ownership and the event of a sudden incapacitation of a dentist was approved during the 2009 session. This rule will protect the public in limiting ownership and thereby control of dental practices. It allows heirs of deceased or incapacitated dentists to keep a practice open by employing other dentists, for the oral health of their patients, for one year, until the practice can be sold or properly closed.

Please visit the Board's website to view the rules in their entirety, www.wvdentalboard.org.



Disciplinary Actions

JAMES G. BRYANT, DDS

Board Order—Revocation; Standard of Care; Assessed costs of \$18,201.05. Currently under Appeal.

HUBERT H. BYRON, DMD

Consent Decree—1 year Suspension, all but 30 days stayed with additional stipulations; Standard of Care; Fined \$2,500; costs \$2,000.

BRUCE L. CASSIS, DDS

Consent Decree—Standard of Care; Patient Restitution \$2,536.

CARL A. HANSEN, DDS

Consent Decree—Reprimand with other stipulations; Standard of Care; Fined \$5,000; costs \$1,000.

JAMES E. KIRKPATRICK, III, DDS

Board Order-Revocation; Felony Conviction; Fined \$5,000; costs \$3,690.

TERRY L. LAKE, DDS

Board Order—Suspension, all but 120 days stayed from previous 5 year Suspension; Violation

of Board Order; Assessed Costs \$3,000.

DAVID A. MCCORMACK, DDS

Consent Decree—Reprimand with other stipulations; Standard of Care; Fined \$5,000; costs \$1,000.

TIMOTHY M. SPEARS, DDS

Consent Decree—1 year Suspension, all but 30 days stayed with additional stipulations; Standard of Care; Fined \$5,000; Costs \$4,000.



Policy Concerning Prescription Writing

The following is policy of the WV Board of Dental Examiners. It is an excerpt, used with permission, from the American Association of Dental Examiners Guidelines for Evaluating Allegations of Inappropriate Prescribing Practices, Drug Diversion, and Substance-related Impairment of the Dental Licensee and is used with the permission of the American Association of Dental Boards.

Dentists who order, prescribe, dispense or administer controlled substances, or non-controlled substances with abuse potential, should always do so in the usual course of professional practice, as dictated by the federal Controlled Substances Act of 1970, as amended.¹ It is inadvisable and, in some jurisdic-

tions, unlawful, for a licensed health care practitioner to order, prescribe, dispense or administer controlled substances or other medications to or for themselves, their family, their friends or their employees. It is imperative that all ordering, prescribing, dispensing or administering of medicines by dentists be done for a legitimate medical purpose in the usual course of professional practice in the context of a documented, *bona fide* therapeutic dentist-patient relationship. The provision of "usual course of professional practice" is generally interpreted as meaning that dentists should confine their diagnosis and treatment to conditions affecting the head and neck and should not be engaged in the primary treatment of conditions occurring

It's Your Duty to Report

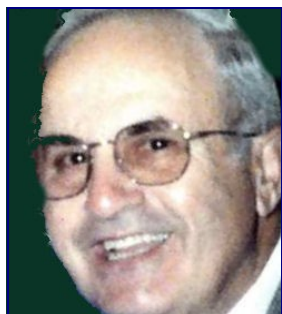
Pursuant to §30-1-5(d), Every person licensed or registered by a board has a duty to report to the board which licenses or registers him or her a known or observed violation of the practice act or the Board's rules by any other person licensed or registered by the same board and shall do so in a timely manner.

If you work for or with another licensee, or have knowledge of violations by another licensee, the above-mentioned law requires you to report that licensee to the Board. Disciplinary actions will be taken against any licensee that fails to report

"Every person licensed or registered by a board has a duty to report to the board..."



West Virginia Black Bear



“Writing an article about Tony is a difficult task, writing a book would be easy.”

Bernard J. Grubler, DDS

In Memory of Anthony J. Spadafore, DDS

On December 18, 2008, the Board of Dental Examiners lost a colleague and friend. Dr. Anthony J. Spadafore served as a member of the Board for ten years from 1989 through 1999.

Dr. Bernard Grubler was asked to write an article for this newsletter, and it will be posted on our website in its entirety.

Dr. Grubler writes....Writing an article about Tony is a difficult task, writing a book would be easy.

Tony and I shared many patients through our practicing careers, and this sharing gave me a first-hand look at his expertise. How-

ever, Tony and I grew very close to each other when we served 5 years together on the Board and 11 years as examiners for the Northeast Regional Board of Dental Examiners. In his years on the State Board, Tony was truly a guiding force. I can't recall a discussion or decision that did not have Tony's valuable input. During a board meeting Tony would lean forward and say, Dr. President, YOU KNOW we need to — and out would come the solution we needed...It was always fun to be around Tony. I probably had more fun, happier times, more relaxation

with Tony than any other person in my adult life...I did many licensing exams with Tony for NERB and this is where he and I got really close to one another. Giving licensing exams is a serious commitment, but somehow Tony made it relaxing and fun...YOU KNOW— I know Tony's in heaven with Nancy and I'm sure all of heaven knows the story of "Whoa Nellie".

To read the complete article and memories from other colleagues, please visit our website.

General Supervision & Public Health Practice

ANNUAL REPORT REQUIREMENT

Dental hygienists holding a general supervision or public health practice permit are required to submit an annual report of services rendered while practicing under general supervision in all settings other than a private practice or Accredited Dental Hygiene Education program. The supervising dentist shall review and sign this report.

The annual report should be filed with the Board office with the license renewal, which is due February 1st of every year. This form is available at the Board's website located under the forms tab. If you do not have access to the internet, you may request this form from the Board office and one will be sent to you.

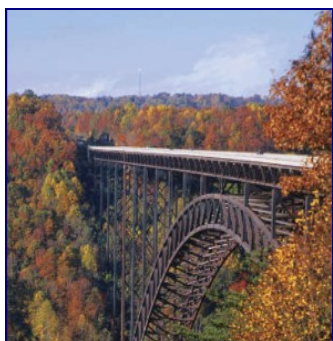
PUBLIC HEALTH PRACTICE PERMIT

A public health practice permit holder, in addition to their twenty credit hour requirement, shall complete three hours in medical emergencies and three hours in general public health content for licensure every two years. The total number of continuing education credits required is twenty-six hours.



PUBLIC HEALTH CONTENT COURSES

Public health courses are not as common to offer or find as other courses. They particularly deal with delivering care to populations rather than individuals. Program design and delivery to meet underserved needs or a specific problem are examples. For example, if a smoking cessation course included content on designing programs for nursing homes or community health clinics it would count, but not if it was traditional chairside intervention.



**Autumn Colors
New River Gorge Bridge
Fayette County**

Meet the Board Members

DAVID G. EDWARDS, DDS

Dr. Edwards is serving his second term on the Board and his second year as the Board's President. He has been practicing general dentistry in Wellsburg since 1973. He and his wife Linda reside in Wellsburg.

H. RICHARD MARSHALL, JR., DDS

Dr. Marshall is serving his second term on the Board and his second consecutive year as the Board's Secretary. He practices general dentistry in Roncverte, WV. He and his wife, Bonnie, reside in Lewisburg. He is the father of two daughters, Mary Page Nemick and Lucy Taylor and has three grandchildren, Hallie, Co-riann, and Zackary.

RICHARD D. SMITH, DDS

Dr. Smith is serving his second term on the Board. He practices general dentistry in Charleston with his son Chris and partner Charles Smith. Dr. Smith and his wife Kathy reside in Charleston and are the parents of three sons, Richard, Chris and Patrick. They are the proud grandparents of Connor, Kate and Audrey Smith.

DEBRA D. DENT, CDA

Mrs. Dent is serving her second term on the Board as the dental assistant member. She has been employed by Dr. Mark Kilcollin of Union for 35 years. She has been married to her husband Wayne, for 31 years. They have three children and a granddaughter, Hannah.

GEORGE D. CONARD, JR., DDS

Dr. Conard is currently serving his third term on the Board. He practices general dentistry in Huntington. Dr. Conard and his wife Cathy reside in Huntington with their two children, Evan and Elayna.

DIANE M. PALETTA, DDS

Dr. Paletta is currently serving her first term on the Board. She is a general dentist and is actively involved with volunteer work and programs such as Give Back a Smile and Give Kids a Smile. She and her husband Dr. Reginald McClung reside in Charleston. Their daughter, Kristen, is in medical school.

CRAIG L. MEADOWS, DDS

Dr. Meadows is serving his first term on the Board. He is a Periodontist practicing in Martinsburg. Dr. Meadows and his wife Gretchen reside in Shenandoah Junction and are the parents of daughter Heather and son Joshua.

MICHELLE G. KLENK, RDH, EdD

Dr. Klenk is the hygiene member of the Board. She works with her husband, Dr. Bill Klenk, in their general dental practice in Hico, West Virginia. The Klenks reside in Fayetteville with their two daughters, Rebecca and Sarah.

WILLIAM E. FORD, III

Mr. Ford is the consumer member of the Board. He practices law in Clarksburg and is married to Lisa Furbee Ford, who is also a lawyer. Mr. & Mrs. Ford reside in Clarksburg and are the parents of Alia Grimes. They have one grandson, Alexander.



**West Virginia State Tree
Sugar Maple**

Currently the Board membership consists of six dentists, one hygienist, one certified dental assistant and one consumer member.

Anesthesia Committee

H. Richard Marshall, Jr., DDS
Chairman

General Dentists

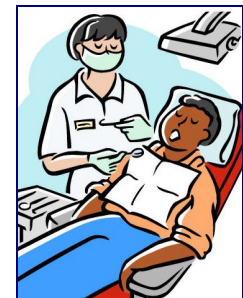
William R. Marshall, DDS
William M. Oscanyan, DDS
Timothy M. Thorne, DDS

Oral Surgeons

John E. Brock, DDS
Lewis D. Gilbert, DDS
Babak D. Noorbakhsh, DDS
Howard L. Nelson, DDS
Bryan D. Weaver, DDS, MD

Pediatric Dentists

Ashley J. Patnoe, DDS



WEST VIRGINIA BOARD OF DENTAL EXAMINERS
GUIDELINES
COLLABORATIVE AGREEMENT FOR PUBLIC HEALTH PRACTICE

A “Collaborative Agreement” is a written binding document with a West Virginia licensed dentist who authorizes and accepts responsibility for the services performed by the collaborating dental hygienist.

Collaborative Agreements Include

1. Include the name and address on file with the Board, telephone numbers, credentials and professional license numbers of the dentist and dental hygienist who are entering into the collaborative agreement.
2. Identify all known locations at which the dental hygienist shall practice without supervision of the dentist. If the dental hygienist provides services at an additional location, the dental hygienist shall notify the dentist of the location.
3. Include procedure-specific standard collaborative practice protocols, including recommended intervals for performing a complete dental prophylaxis, which may include supra- and subgingival scaling of teeth and polishing of coronal and/or exposed surfaces of teeth.
4. Be reviewed and updated annually by both parties.
5. Outline a system for the hygienist to report services for which the supervising dentist will bill responsible parties.
6. Identify a record keeping process indicating compliance with HIPPA regulations to include the location in which patient records will be kept on file.
7. Identify the hygienist as either an employee or agent of the dentist so the hygienist may not be denied protection and benefits of the Medical Professional Liability Act.
8. Be retained by the collaborating dentist and dental hygienist and be made available to the Board upon request.
9. Provide consideration for medically compromised patients and medical conditions for which an examination and treatment plan must occur prior to the provision of dental hygiene services.

The Collaborating Dentist

1. Possess a current West Virginia dental license in good standing.

2. Be available to provide an appropriate level of contact, communications, collaboration and consultation with the dental hygienist, although the dentist may not be present when the procedures are performed.
3. Make provisions for a substitute dentist if the collaborating dentist is unavailable for two days or longer.
4. Be obligated to provide follow-up care for the patients seen by the collaborating dental hygienist.
5. Be responsible for the services provided by the collaborating dental hygienist to assure the hygienist is identified an agent of the dentist.
6. Provide proof of professional/malpractice liability insurance which extends coverage to the collaborating dental hygienists.
7. The collaborating dentist may not enter into collaborative agreement with more than four (4) dental hygienists.

The Collaborating Dental Hygienist

1. Satisfy the requirements of the Board to enter into a collaborative agreement and public health practice.
2. Possess a current West Virginia dental hygienist license in good standing..
3. Provide proof of personal professional/malpractice liability insurance coverage.
4. Follow appropriate state and federal laws regarding OSHA and infection control standards, including disposal of medical waste.
5. Be knowledgeable of the Boards' rule 5CSR1.
6. Have each patient, parent, guardian or responsible party, sign a consent for treatment form prior to provision of services.
7. Inform the patient, parent, guardian or responsible party verbally and in writing that dental hygiene services are not a substitute for a complete examination by a dentist and provide them with a written plan for referral or an agreement for follow-up care, recording all conditions that should be called to the attend of the dentist.

West Virginia Board of Dental Examiners

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Crab Orchard, WV 25827

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www.wvdentalboard.org

BOARD STAFF

Marc L. Harman, Executive Secretary
Susan M. Combs, Assistant Executive Secretary
Carolyn A. Brewer, Office Manager
John C. Dixon, DDS, Investigator
Bernard J. Grubler, DDS, Investigator

BOARD LEGAL COUNSEL

Darlene Ratliff Thomas
Assistant Attorney General

**PLEASE USE OUR WEBSITE
WHEN POSSIBLE**

The Board encourages licensees to utilize the website. It is a valuable tool to finding important information and requirements concerning licensure, permits and renewal.

Our website has recently been given a makeover in hopes to simplify and make its contents more accessible.

www.wvdentalboard.org

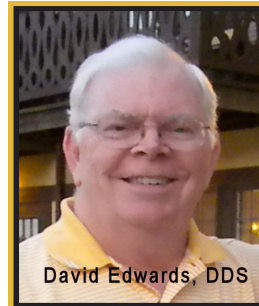
"Montani Semper Liberi"



Mountaineers Are Always Free!!!



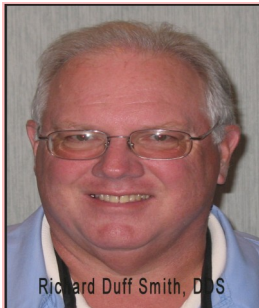
WV BDE PICTORIAL



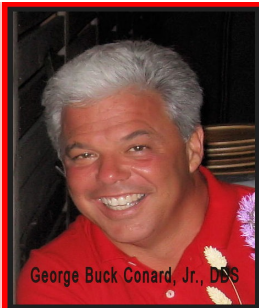
David Edwards, DDS



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George Buck Conard, Jr., DDS



Craig Meadows, DDS



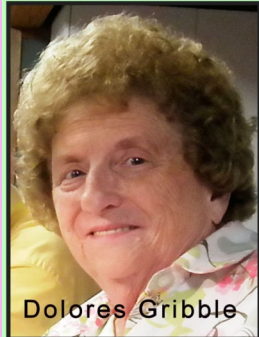
Diane Paretta, DDS



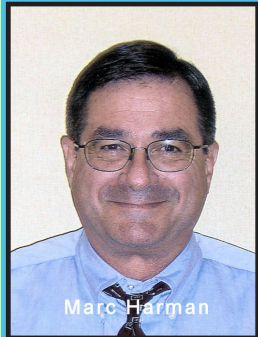
Michelle Klenk, RDH, EdD



Debra D. Dent, CDA



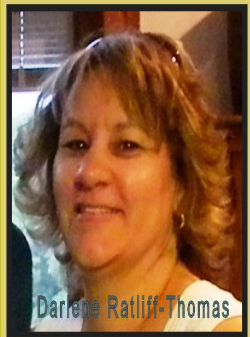
Dolores Gribble



Marc Harman



Susan Combs



Darlene Ratliff-Thomas

WVBDE Newsletter

PO Box 1447

Crab Orchard, WV 25827

PLACE
STAMP
HERE

West Virginia Board of Dental Examiners

PO Box 1447

Crab Orchard, WV 25827

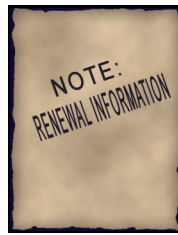


Release of Patient Records

Patient records can not be held hostage for unpaid account balances!!!

Pursuant to West Virginia Code §16-29-1 and 2, healthcare providers must make available to patients copies of records when requested.

Original records should be maintained by the provider. Charges for copies of records may not exceed .75¢ per

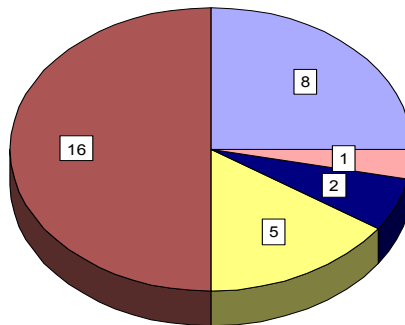


The Board's staff urges licensees to please review their licensure renewal forms and make any necessary corrections or additions.

Please take your time completing the continuing education form and totaling the amount of hours in each section and the grand total section.

Remember, late fees will be assessed after February 1, 2010, for each form that is late. The late fee is equal the amount of your renewal fee. If both of your forms are late, the amount of renew-

**Complaint Statistics
Fiscal Year 2009**



- Billing/Fees
- Unsatisfied with work
- Dentures/Partials/Crowns
- Unprofessional Conduct
- Employee Health Concerns

CHANGE OF ADDRESS FORM

Name _____ License No. _____ Dentist Hygienist

Preferred Mailing Address for Dentists Business Home

Business Address:

New Address:

City _____ State _____ Zip _____

Home Address:

New Address:

City _____ State _____ Zip _____

Pursuant to 5CSR1 Section 12.3(a) of the Board's rules, Every licensed dentist or dental hygienist within thirty days of changing their place of residence or their place of practice or establishing additional offices shall furnish the secretary of the board with his or her new addresses.