

The Dental Examiner

West Virginia Board of Dentistry

President's Message

I feel extremely privileged to serve as president of the WV Board of Dentistry and to discharge the statutory duties of protecting the public and regulating our profession. Twelve years ago, I served as President of the West Virginia Dental Association and served about twenty years on the executive council. More recently, I spent twelve years as an ADA Delegate, and also as an ADA Council Member. Being closely involved with my profession has been a passion with me, and I am grateful for these experiences.

I extend special thanks to the Board's staff, Susan Combs, our Interim Executive Secretary, our legal counsel, James Casey, and office manager, Carolyn Brewer. These people have dedicated many extra hours with their jobs under the current circumstances. Also, thanks to the current Board for their due diligence in protecting the citizens of West Virginia. Their job isn't easy!

I am delighted to welcome Mrs. MaryBeth Shea, Dr. Stan Kaczkowski and Dr. Chuck Smith to the Board as they were appointed by Governor Tomblin since our last newsletter. Additionally, Dr. Richard D. Smith stepped down as Executive Secretary. He is the first dentist to serve as executive secretary. A great deal of gratitude to him for his hard work and effort with the superior job he did for the Board. I would also like to recognize Dr. David Edwards, our immediate past president, who is in the waning days of his last term on the board. Thanks for serving, David!

Recently, West Virginia Attorney General Patrick Morrissey filed an amicus brief in support of the North Carolina Board of Dental Examiners in its appeal of a ruling by the US Court of Appeals for the Fourth Circuit. The court ruling

upheld the Federal Trade Commission's claim that the makeup of the dental board violated antitrust laws. The FTC alleged that because North Carolina chose to staff the board with practicing dentists and rely on their expertise, the state should have imposed additional layers of bureaucracy to oversee the board. The Fourth Circuit's jurisdiction includes WV. This all stems from a case where the NC Board tried to stop "bleaching kiosks". The following is an excerpt from Attorney General Morrissey's press release on the matter. "This is an extremely important issue and not just for the dental profession. What is at stake is the ability for our Legislature to regulate a vast array of professions and trades. West Virginia, like every other state, uses practicing professionals who serve on regulatory boards, without compensation for the most part, to keep our citizens safe and make sure our laws are current in these very complicated areas. Attorney General Morrissey is right to step up to the plate for states' rights against the overreaching federal agency, The Federal Trade Commission," said incoming WV Board of Dentistry President, Dr. Richard Gerber. North Carolina's appeal will be heard by the US Supreme Court in the very near future.

As you are aware, the Board of Dentistry was busy during this last legislative session. There were multiple rules passed during the session, most of which were simply name changes in the documents due to the passage of the new Dental Practice Act, SB 580, in 2013 that changed the name of the agency to Board of Dentistry from Board of Dental Examiners. The most significant rules passed were Series 12, Administration of Anesthesia by Dentists, and Series



C. RICHARD GERBER, DDS

14, Mobile Dental Facility and Portable Dental Unit. SB 580 provides the framework for safe anesthesia administration and enforcement of dental anesthesia laws, and required rules promulgated to provide detailed direction for dentists to provide different levels of anesthesia, qualified monitors, emergency drugs and equipment required and the like, as well as direction for the anesthesia committee to provide comprehensive evaluations of permit holders. SB 580 also provides the framework for Mobile Dental Facilities and Portable Dental Unit regulation, and rules were promulgated this last session as a cooperative effort of the WVDA, Board of Dentistry, and the Public Health coalition folks. West Virginia is on the cutting edge in regulation of these facilities, which anecdotally have been a problem throughout the country.

The Board has proposed rules for allowing Dental Trade Names that are changes in language in Series 1, 2, and 6, which would regulate the naming of dental offices. Additionally, a new Series 15 has been promulgated for Dental Recovery Networks. Unfortunately, addiction and impairment are issues that are all too common in our communities these days.

CONTINUED ON PAGE 2

Fall 2014

OCTOBER

Inside this issue:

President's Message continued	2
Edwards Honored	2
Board Actions	2
Grace Period Ended	3
Information & Reminders	3
Licensure Statistics	4
Complaint Statistics	4
Verification of License	4
Dental Recovery Network	5
Members Make Their Rounds	5
PLLC & Corporation Information	6
Future Board Meetings	6
Frequently Asked Questions	7
Members & Staff	8

President's Message Continued...

The new rules formalize an existing arrangement with the director of the Pharmacist's Recovery Network to arrange for evaluation and treatment for the dental licensee who has impairment. This will be called the WV Dental Recovery Network and the name WVDRN has been selected awaiting the development of the website. The Board will provide a liaison to a board of directors of this network. This program will allow impaired licensees to seek treatment anonymously, and if one follows the regimen of the program, the Board will stay out of the picture. Treatment costs are the responsibility of the practitioner. This was filed as an emergency rule. The Secretary of State approved this rule, so it is now law, but it must still

go through rule-making review and the legislative process. Of course, changes can happen through that process.

We have gone through the state guidelines to purchase a software management system that provides security for board investigations, accumulation of data, and online license renewals. Therefore, we will no longer be reliant on an archaic paper system.

The search is underway for a new executive secretary. Several qualified applicants have submitted resumes. Hopefully, by the time you read this newsletter, the position will be filled.

Finally, if anyone has questions or concerns, the Board wants to hear from you. Feel free to contact me at any time about your concerns or suggestions.

Sincerely,

C. Richard Gerber, D.D.S.

RENEW ONLINE, ONLINE RENEWALS WILL BE READY BY DECEMBER 1ST!

Edwards Honored

Dr. David G. Edwards was presented with a commemorative clock in recognition of his service as President of the Board from July 1, 2013 through June 30, 2014. Dr. Edwards was initially appointed to the Board by Governor Bob Wise in 2004 and re-appointed by Governor Joe Manchin, III in 2009. During Dr. Edwards time on the Board he has served as President three times.



Pictured are Linda Edwards, Rich Gerber, and Dave Edwards.

BOARD ACTIONS



Case number 2009-DB-0037D - Consent Decree & Order - Violation of Standard of Care; Fined \$5,000; Assessed Costs \$10,000.

Case number 2010-DB-0016D - Consent Decree & Order - Violation of Standard of Care; Assessed Costs \$2,500.

Case number 2010-DB-0179D - Consent Decree & Order - Violation of Standard of Care; Assessed Costs \$2,500.

Case number 2012-DB-0021D - Consent Decree & Order - Violation of Standard of Care; Fined \$500; Assessed Costs \$2,500.

Grace Period Ended

With the passage of the Board's rules, 5CSR1, during the 2014 legislative session, **there is no longer a grace period for renewal.** ALL licenses must be renewed by February 1st of each year. If not renewed per the Board's rules, the license shall be suspended.

Practicing in West Virginia after February 1st *without* renewing your license will now be a criminal offense. The offense is a misdemeanor and, upon conviction, the offender shall be fined up to \$10,000.



All licenses shall be renewed by February 1st.

Renewal Information, Renewal Fees & General Reminders

COMPLETING YOUR FORM

Each year there is a section on your annual renewal form where you are requested to list your current employer and related business information. **THIS REQUEST APPLIES TO OUT-OF-STATE LICENSEES AS WELL AS IN-STATE LICENSEES.** If you are unemployed or retired, please make a notation indicating your current status. It is important that the Board have complete, accurate, and up-to-date information on each licensee.

Address changes and change of employers are information that need to be sent to the Board whenever they occur. These changes should be faxed, emailed, or mailed no later than 30 days after the change. Your cooperation with these requirements will be greatly appreciated by the Board staff.

Please return the dental workforce survey included with your renewal forms by February 1st.

FEEES

Dentists - \$185.00
Late Fee - \$185.00
Dental Hygienist - \$75.00
Late Fee - \$75.00
Dental Hygienist employed by a public health agency* - \$65.00
Late Fee - \$65.00
*A hygienist employed by a public health agency such as a federal, state, or county health department qualify for this discounted renewal fee.
WVDRN Fee (add to renewal fee)
Dentists -- \$10.00
Hygienists - \$5.00
2015 Renewal Totals
Dentists—\$195.00
Dental Hygienists—\$80.00
Public Health Hygienists-\$70.00

GENERAL REMINDERS

There is not longer a grace period.

Late fees, as previously mentioned, will be applied to renewals received in the office after February 1, 2013.

CPR certification is to remain current. Also, online CPR certification is not acceptable unless the course includes a skills examination with a certified instructor.

The current Continuing Education period started February 1, 2014 and ends January 31, 2016. CE credits are to be reported by February 1, 2016.

RENEW ONLINE!!

ONLINE RENEWALS WILL BE READY BY DECEMBER 1ST!

Licensure Statistics

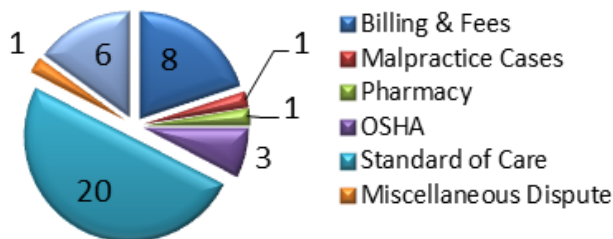
DENTAL	
Total Active	1206
Practicing in WV	874
Active Volunteer	6
DENTAL ANESTHESIA	
Class 2	32
Class 3A	21
Class 3B	13
Class 4	32
Qualified Monitor	235

HYGIENE	
Total Active	1359
Practicing in WV	922
Active Volunteer	1
HYGIENE PERMITS	
General Supervision	747
Public Health	114
Local Anesthesia	342
Bleaching	490
Nitrous Monitoring	572

DENTAL ASSISTANTS	
Coronal Polishing	151
Nitrous Monitoring	998
Restorative	743
Restorative & Ortho	26
Orthodontic	357



Complaint Statistics - Complaints filed in 2014



Verification of License

To obtain a verification of licensure to be sent to another state, a written request is required. It must be mailed to the Board office along with a fee of \$25.00 per verification. Please include the following:

- Licensee's Name;
- License Number;
- Name of State Verification is for; and
- Where verification is to be mailed.



West Virginia Dental Recovery Network (WVDRN)

During the 2014 Legislative Session the Board was given authorization to establish standards and requirements for agreements with organizations to form professional recovery networks and establish an alcohol and chemical dependency treatment program, including standards and requirements. The Board currently has an authorized emergency rule 5CSR15 which covers this issue.

Currently, the Board is contracting with the Pharmacists Recovery Network for the purposes of the Dental Recovery Network.

The Dental Recovery Network allows a

licensed dentist or hygienist with an alcohol or chemical dependency to seek treatment without fear of losing their license. The Board does not become involved in any of these cases unless the licensee breaks their contract with the program.

If you are in need of help for alcohol or chemical dependency, your professional competence is of the utmost importance, as well as your personal well-being and that of your family. Please contact Mike Brown at the WVDRN at (304)533-6844.

Information available at www.wvdrn.com.



Board Members Make Their Rounds

The Board of Dentistry made a visit to the facilities of the Mid-Ohio Valley Health Department while in the Parkersburg area this spring. The Board was invited to their facilities to view the Oral Health Program and to give the Board a better understanding of what they are doing in Public Health.

Pictured from Left to Right, William E. Ford, Stan W. Kaczowski, DDS, Mary Beth Shea, RDH, Beverly L. Stevens, COMSA, and L. Edward Eckley, DDS.

Mr. William E. Ford visited West Virginia University, School of Dentistry, to give the graduating dental and dental hygiene students the law exam required for licensure.

Mrs. Beverly L. Stevens visited the dental hygiene programs at Bridgemont and Southern West Virginia Community & Technical College to give the graduating dental hygiene students the law exam required for licensure.

Pictured from Left to Right, Beverly L. Stevens, COMSA, the dental hygiene students of Bridgemont, and Michelle G. Klenk, RDH, EdD, Professor and Chair.



PLLC & Corporation Formation Authorization

The Board is charged with the regulation of Corporations and Professional Limited Liability Companies for the practice of dentistry in the State of West Virginia. There is an application process to form a corporation or PLLC that must be followed. All applications for the formation of a corporation or PLLC must be filed with the Board first. Once approved, an authorization will be mailed with all necessary documents to the Secretary of State's Office for finalization.

If the proper steps are not followed, it will delay the formation of your business organization. Applications and instructions are available on the Board's website at www.wvdentalboard.org/business_organization.htm

"If the proper steps are not followed, it will delay the formation of your business organization."

PLLC & Corporation Renewal Information

Dental Professional Limited Liability Companies and Corporations are reminded their annual renewals are due on or before June 30th of each year.

Professional Limited Liability Companies are required to submit a copy of the annual report due to the Secretary of State on June 30th each year. Also, proof of malpractice coverage of \$1,000,000 is required for renewal.

Corporations are required to submit a copy of the annual report due to the Secretary of State on June 30th each year.

Renewals are mailed by the Board during the month of April. Please remember when you submit your annual reports to the Secretary of State to keep a copy to submit to the Board with your annual renewal. If you do not keep a copy and attempt to obtain it from the Secretary of State between June 1st to June 30th, you most likely will not be able to complete your renewal with the Board by the due date.

A completed renewal by the deadline will avoid late fees. Completed means, signed renewal form, all required material attached, along with the proper fee.

Future Board Meetings

January 15-17, 2015
Charleston Town Center Marriott, Charleston, West Virginia

March 26-28, 2015
The Blennerhassett Hotel, Parkersburg, West Virginia

July 15 & 16, 2015
The Greenbrier, White Sulphur Springs, West Virginia



Frequently Asked Questions

When are CE's due?

CE's are due on even years. The current period runs from February 1, 2014 through January 31, 2016. CE reports will be due February 1, 2016 for this period. There is an additional late fee for CE report forms received after the due date.

When will you be giving the next expanded duties course?

The Board does not give these courses. You must call the WV Dental Association to check on these dates. Their number is (304) 344-5246.

As a dental assistant, am I allowed to take x-rays or need a separate certification to take x-rays?

A dental assistant is permitted to take x-rays of the oral and maxillofacial area. No separate certification is necessary.

Do you know when my x-ray unit is due for inspection?

This inspection is carried out by the Radiological Health Program, not the Board. You may contact them at (304)356-4303.

If I utilize a CRNA for sedation services, do I need an anesthesia permit?

Yes, you must have a permit of the same level of sedation provided by the CRNA, and your facility must be inspected and remain at a Class 4 level.

If I utilize another licensed dentist who holds a current anesthesia permit issued by the Board, do I need a permit?

No, you would not need a permit in this instance. However, your facility would need to be inspected and remain at the level of sedation being provided.

I provide nitrous oxide only, do I need a permit and does my nitrous monitor need to apply for a qualified monitor permit?

No, you do not need a permit to provide nitrous oxide only, and your nitrous monitor does not have to apply for a qualified monitor permit for this level of sedation.

Can my chair-side dental assistant also be the qualified monitor during sedation procedures?

No. A qualified monitor must be utilized for the sole purposes of monitoring the patient during sedation cases. Therefore, the chair-side assistant may not assist and be the monitor.

I have moved, do I need to notify the Board of a change of address?

Yes, you must notify the Board of any change of address, whether it be your home or office address. You are required to do this within 30 days of the occurrence. This can be done by mail, fax or email.

Can I verify the licenses of my staff members?

Absolutely! You may call us for a verbal verification or view this information on the Board's website.

West Virginia Board of Dentistry

1319 Robert C Byrd Drive
PO Box 1447
Crab Orchard, WV 25827

Phone: 304-252-8266
Toll Free: 877-914-8266
Fax: 304-253-9454
E-mail: wvbde@suddenlinkmail.com



The West Virginia Board of Dentistry is an agency of the State mandated, by legislature to protect the public health, safety, and welfare of its citizens. The Board regulates the profession of dentistry and licenses dentists and dental hygienists who have proven minimal competency standards by examination.

Mountaineers Are Always Free!

We're on the web!

www.wvdentalboard.org

**RENEW ONLINE, ONLINE RENEWALS
WILL BE READY BY DECEMBER 1ST!**

MEMBERS OF THE BOARD

C. Richard Gerber, DDS, President
George D. Conard, Jr., DDS, Secretary
L. Edward Eckley, DDS
Stan W. Kaczowski, DDS
David G. Edwards, DDS
Charles L. Smith, DDS
Mary Beth Shea, RDH
Beverly L. Stevens, COMSA
William E. Ford, III, Citizen Member

BOARD STAFF & COUNSEL

Susan M. Combs
Interim Executive Secretary
Carolyn A. Brewer
Office Manager
John C. Dixon, DDS
Dina A. Vaughan, BSDH, MS
Investigators
James M. Casey, Esq.
Assistant Attorney General

ANESTHESIA COMMITTEE

George D. Conard, Jr., DDS, Chairman
Byron H. Black, DDS
Lewis D. Gilbert, DDS
Philip D. High, DDS
William R. Marshall, DDS
Babak D. Noorbakhsh, DDS
Elizabeth Pham O'Dell, DDS
Jon A. Pike, DDS
Don E. Skaff, DDS
Timothy M. Thorne, DDS
Bryan D. Weaver, DDS, MD