

# The Dental Examiner

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## President's Message

As fall approaches again, with the impending cold and dreariness of winter, we look forward to the most beautiful time of year in West Virginia. A time that brings many out of state visitors to see the beauty of our state.

Last Summer the Governor added several new excellent members to the Board of Dentistry. Gina Sharps, our hygiene representative, who is heavily involved in many important organizations in dentistry as well as public health.

Kim Lowe, our dental assistant representative, who is also very involved and well informed on the issues of our profession.

Terry Coatney, our public member, who many of us were already acquainted with, contributes greatly to the public point of view.

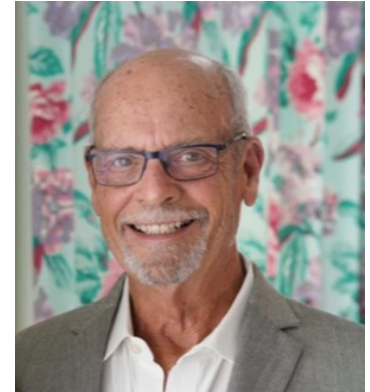
Our newest member is no stranger to anyone involved in the WV dental community. Former President of the Board, Rich Gerber, brings a wealth of experience to our group.

On my eighth year as a member, I can say that our Board is sincerely dedicated and committed to do the job for which we were appointed, protecting the safety of the public. Although sometimes it can be quite frustrating and difficult, we all consider it an honor to serve.

I want to thank our Executive Director, Susan Combs for her tireless work both in the board office and at legislature. Also, our Administrative Assistant, Christina Lesko, who is invaluable to Susan and the board.

As usual, we have been very busy during the past year. Initially, we dealt with changes in our statutes and rules. This was mostly due to increases in the number of specialty designations approved by the ADA, as well as language changes in a few of our definitions and treatment procedures. As usual, working with the legislature can be very difficult and frustrating, but we were able to come up with a compromise that was acceptable. This was truly a team effort, as many of our Board members participated in the process and my thanks goes out to all of them as well as those not on the Board who helped.

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JOHN E. BOGERS, DDS

PRESIDENT



## President's Message Continued

We generally have about 20 complaints and investigations open at one time. I can speak for the board in saying if we had no new complaints, we would all be very happy. Many of these are resolved quickly, but some are prolonged and take much of our time.

In regards to the Board's website, our contract with the database company, GL Suites, continues to be renewed and has allowed for many updates to some of our existing online applications, new online applications for business organizations and updates to the upcoming renewal forms. Board staff will be working with GL Suites to make additional pages of the Board's website more mobile friendly.

In closing, I would like to thank all those who have been very supportive and appreciative of our work.

John E. (Jack) Bogers  
President

...database projects will make the online renewals more mobile friendly.

## Database Projects - Renewals - CE Reporting

The Board has recently completed three projects to update the dental and dental hygiene renewal forms, both online and the printed forms. These updates include adding workforce survey questions to the renewal forms in order to assist the West Virginia Oral Health Program by providing this data to project and plan for future dental workforce needs of our State. The Board requests everyone participate whether on paper or online. Also, these database projects will make the online renewals more mobile friendly.

Renewals are due on or before February 1, 2024. Renewals received after that date are subject to late fees. Continuing education credits are due to be reported by February 1, 2024. The current reporting period for this CE report is February 1, 2022 through January 31, 2024. The required CE credits must fall within this time-frame. All CE's can be done online for this reporting period. Also, at this time, Dentists are still required to complete three hours of opioid training per the Board's rule 5CSR11.

The CE period starting February 1, 2024 through January 31, 2026 will return to the requirements of the Board's rules. 80% will be allowed for supervised home study courses, most of which are taken online.

## Public Notification of FY 2023 Expenses



Salaries & Employee Benefits*	204,124.70
Professional Services**	62,272.50
Contractual Services***	18,750.00
Association Dues	7,085.00
Operations/Office Expenses	131,148.48
<b>TOTAL EXPENSES</b>	<b>423,380.68</b>

\*Includes Staff Salaries, and Board and Anesthesia Committee Member per diems

\*\*Includes Attorney General Pay

\*\*\*Includes fees paid to Dental Recovery Network

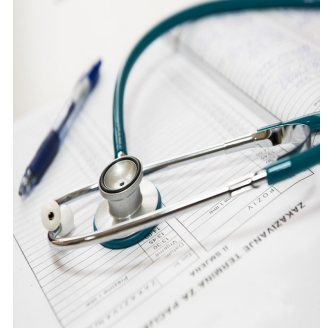
## FDA Diagnostic Testing Requirements

During the 2023 legislative session, house bill 3141, now reflected in the dental practice act under code §30-4-25, states “during a declared public health emergency, dentists and dental hygienists with a local anesthesia permit may perform FDA authorized diagnostic tests to screen patients for infectious diseases.”

**The performance of FDA-authorized tests, whether used as screening or diagnostic tools, constitutes laboratory testing and, as such, is subject to the federal clinical laboratory improvement amendments (CLIA) regulations.** A dentist or dental hygienist may perform testing authorized by the FDA for point of care use **provided they have received certification from CMS prior to performing testing.** All licensed dentists and dental practices must adhere to these regulations to prevent noncompliance with federal regulations.

The West Virginia Office of Laboratory Services is tasked with ensuring regulatory compliance with CLIA regulations. CLIA questions may be directed to [dhhrolscfia@wv.gov](mailto:dhhrolscfia@wv.gov) or 304-205-8913. More information may be found on the [Office of Laboratory Services \(wv.gov\)](http://www.wv.gov) and [Clinical Laboratory Improvement Amendments \(CLIA\) | CMS](#).

In addition, the CMS CLIA quick start guide, and application can be accessed at [LABORATORY QUICK START GUIDE TO CMS CLIA CERTIFICATION](#)



## Proposed Rules 5CSR10 - Accessing the CSMP

Title 5 Code of State Rules Series 10 - Practitioner Requirements for Accessing the WV Controlled Substance Monitoring Program Database

This rule sets forth the requirements for licensees of the Board of Dentistry regarding accessing the WV Controlled Substance Monitoring Program database (CSMP).

The proposed changes in this rule updates this rule to eliminate obsolete definitions and adds a definition for benzodiazepine. A new section three is incorporated to identify practitioner requirements for obtaining and maintaining access to the CSMP and for certifying compliance to the Board by licensees with their license renewal. Section 4 is revised for clarity and to align the current requirements of W. Va. Code § 60A-9-5a. Section 6 is amended to incorporate current administrative penalties as set forth in W. Va. Code § 60A-9-7(f) and (g). Clarification and general clean-up occur throughout the rule.

This modified proposed rule can be viewed on the homepage of the Board's website.

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## Board Actions

2021-DB-0043D - Consent Agreement & Order - Reprimand; CE required; Assessed costs of \$591.56; Assessed fine of \$1,000. Entered July 26, 2023

2023-DB-004D - Consent Agreement & Order - Reprimand; Report to the WV Dental Recovery Network or similar program and abide by and fulfill recommendations by the Program; Assessed costs of \$542.25; Assessed fine of \$2,000. Entered July 26, 2023

2022-DB-0013D - Consent Agreement & Order - Reprimand; Assessed costs of \$962.00; Assessed fine of \$500.00. Entered September 13, 2023.

2023-DB-0003D - Consent Agreement & Order - Reprimand; Assessed costs of \$828.35; Assessed fine of \$2,500.00. Entered September 13, 2023.





The West Virginia Board of  
Dentistry

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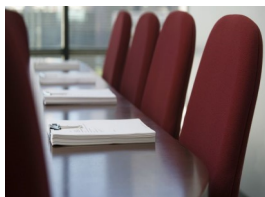
## Future Meetings

October 27 & 28, 2023  
The Blennerhassett Hotel  
Parkersburg, WV

January 12 & 13, 2024  
Embassy Suites  
Charleston, WV

Spring Meeting - TBD

July 18 & 19, 2024  
The Greenbrier  
White Sulphur Springs, WV



## The Board's Mission

The West Virginia Board of Dentistry is an agency of the State mandated by legislature to protect the 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.

### MEMBERS OF THE BOARD & STAFF

John E. Bogers, DDS, President

William A. Klenk, DDS, Secretary

David G. Edwards, DDS

C. Richard Gerber, DDS

Lewis D. Gilbert, DDS

S. Vincent Veltri, DDS

Gina Sharps, MPH, BSDH

Kimberly A. Lowe, RDA

Terry L. Coatney, Citizen Member

Susan M. Combs, Executive Director

Christina M. Lesko, Administrative Assistant

Dina A. Vaughan, Investigator

## Corporation & PLLC Applications

In an effort to process new Corporation and PLLC applications more quickly, the Board has implemented an online application.

On the Board's website go to the Business Login and select Create Business Application. At this point you will be creating an account for your proposed business. You must use a different username and password than what is in your individual licensure account. Choose the application you wish to complete. You will be prompted to fill in information such as your business address, mailing address, add organizers (dentist owners or dentist stockholders of the company), and upload your Articles of Organization and Proof of \$1 million dollars of liability insurance (insurance required for PLLC only).

Once you get to the confirmation page, you can review your information and make any edits necessary. Digitally sign the application, date it and move on to the invoice review page and make the payment. The Board staff will be notified of the application the next morning and will review the application sometime thereafter. Should there be no issues with the application, the Board staff will send an authorization via email to the Secretary of State's Office (SOS) and copy you in the email so you can use that authorization to upload into your online filing within their business portal. This authorization will be used in place of the SOS VOE form.

Please review the rules of the Board concerning forming a Corporation or PLLC. The rules for PLLC's are on our website under Laws and Rules, Series 2. The rules for Corporations and Dental Practice Ownership are Series 6. These rules also refer to Series 1, General Rules for the Board, which addresses the use of trade names in section 5.

The insurance required for any new PLLC must be in the name(s) of the dentist(s) making application.

We continue to accept paper applications and will process them as we always have. Once paper applications are approved they will be forwarded to the SOS by our office with your filing documents and your payment for the SOS fees by US Mail.

So far we have had 12 applications for these business organizations filed online and approved. Most having been approved within 24 to 48 hours. We are happy with this improvement to these processes.