

West Virginia Board of Dentistry

The Dental Examiner

President's Message

I feel extremely privileged for the second consecutive year to serve as president of the WV Board of Dentistry and to discharge the statutory duties of protecting the public and regulating our profession. 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 Executive Secretary, Betty Pullin, Assistant Attorney General and our new legal counsel, Evan Dewey, Administrative Assistant, and Office Manager, Carolyn Brewer. These people are very dedicated to their jobs. 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 Dr. Byron Black to the Board, as he was appointed by Governor Tomblin since our last newsletter. Additionally, I was reappointed to the Board by Governor Tomblin for another term.

As you are aware, the Board was busy during the last legislative session. Board rules passed during the 2015 WV Legislative Session were Series 1 – Rule for the West Virginia Board of Dentistry, Series 2 – Authorization of PLLC, Series 6 – Authorization of Corporations and Dental Practice Ownership; and Series 15 – Dental Recovery Networks. In summary, rules were approved 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 was enacted into law which promulgated WV Dental Recovery Networks. Unfortunately, addiction and impairment are issues that are all too common in our communities these days. 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. This program allows 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.

Legislative proposals for 2016 are Series 11 and Series 13. Series 11 – Continuing Education. The Continuing Education rule proposes an amendment which will increase on-line self-study from 50 to 80%. Volunteer hours for providing indigent care are proposed to increase from 3 to 5 hours for dental hygienists and 5 to 8 hours for dentists. Each hour of volunteer service earns ½ hour of CE credits. Hygienists volunteering 10 hours may receive 5 hours CE credit, and dentists volunteering 16 hours may receive up to 8 hours CE credit. The required 3-hour Medical Emergency class for General Supervision and Public Health Practice Permits remains the same. Series 13 – Expanded Duties Of Dental Hygienists and Dental Assistants. The proposed amendment to this rule will bring clarity to the language in sections 5.1(g) and 6.1(c)(15) by striking through the words clinical examinations and inserting the word screenings. The amendment includes a definition for screening as well as modifications requested by the Rule Making Review Committee.

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.



C. RICHARD GERBER, DDS

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Investigators Needed



The Board of Dentistry is currently searching for qualified professionals around the state to conduct investigations. These investigations may include, but not be limited to, OSHA compliance, unprofessional conduct and the illegal practice of dentistry.

Investigators hired by the Board are hired on an as needed basis, paid hourly with travel reimbursement in compliance with State travel rules.

It is important to know, should an emergent situation arise, investigators are expected to re-arrange their schedules to accommodate the investigation of such situation.

Dentists or hygienists interested in an investigative position with the Board should send a letter of interest, with resume attached, to the Board by mail, fax or email.

Only serious applicants please.

Board Actions



CASE NUMBER - TYPE OF ORDER - TYPE OF VIOLATION - FINES & COSTS

2013-DB-0029D - Consent Decree & Order - Voluntary Surrender; Assessed Costs \$5,000.

2013-DB-0033D - Consent Decree & Order - Violation of Standard of Care; Fined \$5,000; Assessed Costs \$5,000.

2014-DB-0014DA - Consent Decree & Order - Violation of Standard of Care; Fined \$500; Assessed Costs \$2,500.

2014-DB-0014DB - Consent Decree & Order - Violation of Standard of Care; Fined \$500; Assessed Costs \$2,500.

2014-DB-0056D - Consent Decree & Order - Violation of Standard of Care; Fined \$1,000; Assessed Costs \$5,000.

2010-DB-0036D - Board Order for Suspension of License - Violation of Prior Settlement Agreement

2014-DB-0022D - Board Order for Suspension of License - Violation of Prior Settlement Agreement.

Renewal, CE & Fee Reminders

REMINDER!!

There is no longer a grace period and post marks do not matter. Renewals are due in the Board office February 1, 2016.

Late fees will be applied to renewals received in the office after this date. Since this is a CE year, CE reports not received by the due date will also add a late fee.

Example:

Dentist Renewal, late fee, late CE fee is \$555 plus \$10 DRN fee = \$565

Hygienist Renewal, late fee, late CE fee is \$225 plus \$5 DRN fee = \$230

When completing your renewal form you are requested to list your current employers and related business information. This applies to ALL licensees. If you are retired or unemployed, please indicate such status on your form.

Address changes are required to be reported to the Board within 30 days of the change, whether business or home address. You may mail, fax or email address changes to the Board office.

CPR certifications are to remain current.

Should you need a military or drug diversion waiver, these waiver forms are available on the Board's website under the forms tab.

Online renewals should be available by December 1, 2015.

Anesthesia Evaluations

Anesthesia evaluations are scheduled with a committee team for initial and renewal evaluations as required by law. While cancellations do not happen very often, once scheduled, this appointment is expected to be kept. Back-up patients are necessary in case of a patient cancellation.

The Anesthesia Committee consists of dental professionals who take time out of their own busy practices to complete these evaluations and inspections. When a cancellation occurs these committee members are left with an open schedule and loss of income for their practice. Cancellations due to a patient cancellation is considered unexcusable, and a penalty will be assessed per §30-4A-8(b) of the anesthesia law.

Future Meetings

October 22, 23 & 24, 2015
Crab Orchard

January 21, 22 & 23, 2016
Charleston

April 14, 15 & 16, 2016
Parkersburg

July 20 & 21, 2016
White Sulphur Springs



PLLC, CORPORATIONS & TRADE NAMES

Effective June 1st, 2015, the Board's rules have been amended to allow for trade names, and for corporate and professional limited liability names to include names other than a licensee's surname.

The requirement for application for a corporation and professional limited liability company for the practice of dentistry and/or name change has not changed. All new applications and name changes must first come to the Board office, and once authorized, will be forwarded to the Secretary of State.

IMPORTANT: If you are only registering a "doing business as" "DBA" name with the Secretary of State that is not a corporation or PLLC, you do not need to obtain Board authorization. However, you must follow the parameters of the new rule for trade names. Below is the new language:

Series 1 - Rule for West Virginia Board of Dentistry

2.10. "Trade name" is a fictitious name, firm name or doing business as name under which you do business other than the current official name on your business registration.

§5-1-8. Practice of dentistry under trade name.

8.1. A person shall not practice, or offer or undertake to practice, dentistry under any name other than his or her own true name. This section may not prohibit the practice of dentistry by a partnership under a trade name, or a licensed dentist from practicing dentistry as the employee of a licensed dentist, practicing under his own name or under a trade name, or as the employee of a professional corporation, or as a member, manager, employee, or agent of a professional limited liability company or as the employee of a dental clinic operated as specified.

8.2. A dentist, partnership, professional corporation, or professional limited liability company that owns a dental practice may adopt a trade name for that practice so long as the trade name meets the following requirements:

(1) The trade name incorporates one or more of the following: (i) a geographic location, e.g., to include, but not be limited to, a street name, shopping center, neighborhood, city, or county location; (ii) type of practice; or (iii) a derivative of the dentist's name.

(2) Derivatives of American Dental Association approved specialty board certifications may be used to describe the type of practice if one or more dentists in the practice are certified in the specialty or if the specialty name is accompanied by the conspicuous disclosure that services are provided by a general dentist in every advertising medium in which the trade name is used.

(3) The trade name is used in conjunction with either (i) the name of the dentist or (ii) the name of the sole proprietorship, partnership, professional corporation, or professional limited liability company that owns the practice. The owner's name shall be conspicuously displayed along with the trade name used for the practice in all advertisements in any medium.

(4) Marquee signage, web page addresses, and email addresses are not considered to be advertisements and may be limited to the trade name adopted for the practice.

8.3 False or misleading trade names may be subject to disciplinary actions by the Board.

Series 2 - Formation of Professional Limited Liability Companies

3.3. The name of a dental limited liability company shall comply with the rules concerning the practice of dentistry under trade name.

Series 6 - Formation of Dental Corporations

3.3. The name of a dental corporation shall comply with the rules concerning the practice of dentistry under trade name.

PUBLIC NOTIFICATION OF EXPENSES

The West Virginia Board of Dentistry is a state agency mandated by the legislature to protect the public health, safety, and welfare of its citizens. The Board is considered a special non-appropriated agency which means we operate solely from the fees collected throughout the year. Although we are required to follow the same strict guidelines as other state agencies, we do not receive any funding from the General Revenue fund of the State or any other source outside of our collections and are responsible for all aspects of the organization. The Board strives to keep overhead as low as possible and constantly considers ways to be more efficient within the office.

While the Board’s main purpose is to protect public health, we also have a duty to provide great customer service to our licensees and to build relationships with dental professionals across the state. That is why we will include a breakdown of our expenses in each newsletter and make an expense report available on-line once our new website is complete. You can also find a detailed look into Board activities in the Audits and Reports section of the Legislature’s website at www.legis.state.wv.us. Thank you, and we look forward to providing outstanding service for West Virginia citizens and our dental community.

FISCAL YEAR 2015 EXPENSES

Salaries and Employee Benefits	\$180,129
Legal Counsel	\$135,699
Dental Recovery Network	\$15,000
Office Expenses	\$101,111
Database/System Upgrade	\$35,000
TOTAL EXPENSES	\$466,939

- * The Dental Recovery Network is a rehabilitation service offered to licensed dental professionals who are dealing with substance abuse and/or mental disorders.
- * Database/System Upgrade refers to the new online database and licensing system currently being implemented. The system will be completed and paid in full during Fiscal Year 2016.

DRUG DIVERSION COURSE REQUIREMENTS

Dentists in the State of West Virginia, within one year of initial licensure and every continuing education period thereafter, are required to complete a three hour course concerning drug diversion training and best practice prescribing of controlled substances training. This course must include the following:

- Drug diversion, including West Virginia statistics on prescription drug abuse and resulting deaths.
- Epidemiology of pain and misuse of opioids.
- Indication for opioids in pain treatment including general characteristics, toxicities and drug interactions.
- Identification of diversion and drug seeking tactics and behaviors.
- Best practice methods for working with patients suspected of drug seeking behavior and diversion.
- Compliance with controlled substances laws and rules.
- Registration with and use of the West Virginia Controlled Substances Monitoring Program established in West Virginia Code Chapter 60A, Article 9.

If you do not or have not prescribed any controlled substances at all during the CE period, you may request a waiver for the current reporting period. Waiver forms are available on the Board’s website and must accompany your renewal forms.

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When mailing to the Board via the US Postal service, you must use the P.O. Box. Mail without the P.O. Box will be returned to you.

We're on the web!
www.wvdentalboard.org

Mountaineers Are Always Free!

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.

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