

THE DENTAL EXAMINER

President's Message

I feel extremely privileged to again serve as President of the WV Board of Dentistry. Being closely involved with my profession has always been a passion with me, and I am grateful for these experiences. I am also very thankful to have the opportunity to serve on the Board with the most dedicated professionals I know. Thanks to the current Board for their conscientiousness and unparalleled hard work! Furthermore, I also extend thanks to the Board's staff, Susan Combs, our Executive Secretary, Betty Adkins, Board Attorney, Evan Dewey, Administrative Assistant, Office Manager, Carolyn Brewer, and our team of Investigators.

I also extend my appreciation and thanks to Dr. Stan Kaczowski for his service as President over the last two years. Stan is a natural leader and continued to direct the Board in a positive direction. Again, thanks for a job well done! Additionally, Stan was recently reappointed to the Board for another term by Governor Justice. Congratulations Stan!

Finally, should anyone have any questions or concerns, the Board wants to hear from you. Feel free to contact me.

Sincerely, C. Richard Gerber, D.D.S.

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Reminder EPA Dental Effluent Regulations

In July 2017 new dental effluent regulations went into effect requiring dental offices that place or remove amalgam to operate and maintain an amalgam separator and not discharge scrap amalgam or use certain kinds of line cleaners. The Board placed this specific information on the Board's website, as well as in the Board's newsletter last fall. As of September 2018, the Division of Water and Waste Management, Permitting and Engineering Branch, of the West Virginia Department of Environmental Protection have received information from only 6 West Virginia dental facilities. These facilities submitted a one-time compliance report, required by the new regulations. The deadline for installing an amalgam separator and sending a one-time compliance report is July 2020. If a dental office does not comply, they may be subject to being classified as an Industrial User and may be required to do sampling and reporting their wastewater discharge.

Public Notification of Expenses

***The Dental Recovery Network is a rehabilitation service offered to licensed dental professionals who are dealing with substance abuse and/or mental disorders.**
***FY 2018 Expenses were \$43,180 less than the previous fiscal year.**

Fiscal Year 2018 Expenses	
Salaries and Employee Benefits	\$252,266
Legal Counsel	52,937
Operations/Office Expenses	95,615
Dental Recovery Network	15,000
Association Dues	7,645
Total Expenses	\$423,463

Nitrous Oxide Monitoring Requirements

The administration of Nitrous Oxide by a licensed dentist in West Virginia does not require a permit. However, there are facility and monitoring requirements set-forth in statute and the Board's rules.

Chapter 30, Article 4A, Section 4 sets forth the qualifications, standards and continuing education requirements for relative analgesia/minimal sedation use. Relative analgesia is a combination of nitrous oxide and oxygen **or** single oral premedication without the addition of nitrous oxide and oxygen.

A practitioner who administers relative analgesia/minimal sedation shall see that the patient's condition is visually monitored. At all times, the patient shall be observed by a qualified monitor until discharge criteria have been met.

When administering nitrous oxide and oxygen, while a qualified monitor certification is not required, the monitor must hold a nitrous oxide monitoring certification issued by the Board and maintain current BLS/CPR certification.

Nausea and vomiting are the most common adverse effects in patients. This type of occurrence becomes more likely during longer periods of administration of nitrous oxide/oxygen .

The Board recommends a review of the laws and rules concerning the use of sedation techniques, monitoring, facility and equipment, and emergency requirements.

About the Dental License Renewal Form

The renewal of licensure on a form prescribed by the Board is required by statute. Whether you complete and file your dental license renewal form online or on paper, it is important that you complete the renewal yourself. There are personal history questions on the renewal form, which require a truthful answer. Your staff may not know the correct answers to these questions. When signing the renewal form, whether in ink or electronically, you are attesting these answers are true and you, the licensee, are ultimately responsible. Failing to furnish to the board or its representatives any information legally requested or obtaining a board authorization by fraud, misrepresentation or concealment of material facts are violations of the law for which the Board will investigate and take disciplinary action. This same information pertains to dental hygiene licensees as well.

Future Meetings

November 2 & 3, 2018 - Morgantown, West Virginia

February 1 & 2, 2019 - Charleston, West Virginia

April 26 & 27, 2019 - Parkersburg, West Virginia

July 17 & 18, 2019 - White Sulphur Springs, West Virginia



Board Actions

2016-DB-0016D - Consent Agreement & Order - Unprofessional Conduct; Reprimanded, Suspension of license (15 days); CE requirements; Report to WVDRN; Assessed Costs of \$4,417.40 and Fine of \$3,000.00.

2016-DB-0026D; 2016-DB-0041D; 2017-DB-0006D - Consent Agreement & Order - Disputed Violation of Standard of Care; CE requirements; Improve application of Informed Consent; Assessed Costs of \$10,000.00 and Fine of \$5,000.00.

2017-DB-0032D - Consent Decree & Order - Guilty Plea (health care fraud); license revoked and surrendered.

Corporations, PLLCs and Trade Names

Corporations and Professional Limited Liability Companies (PLLC) are to be authorized by the Board prior to completion by the Secretary of State's Office. An application to form a Corporation or PLLC must be filed with the Board office with copies of the articles of incorporation or organization and the fees. PLLC applications also require proof of one million dollars of liability insurance in the organizing dentist's name. Once it is determined the application is complete, with a proper name, the Board will issue an authorization directly to the Secretary of State's Office.

The name of a dental corporation shall contain the words "corporation," "professional corporation", "company," "incorporated," or "limited" or an abbreviation of one of those words.

The name of a professional limited liability company shall contain the words "professional limited liability company" or the abbreviation "P. L. L. C." or "Professional L. L. C."

For three years, the Board has been authorizing the use of names, other than surnames, for Corporations and PLLCs. Trade names are allowed to be used to name Corporations and PLLCs, but within the parameters of the Board's rules.

If you have a sole proprietorship and want to use a trade name, the parameters for using a trade name must be followed, but Board authorization is not required.

Corporations and PLLCs that are named using a surname are to be authorized by the Board. However, should you **add** a trade name to your Corporation or PLLC, you do not need authorization for the trade name or doing business as name, but it still must follow the parameters for using a trade name.

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.

The Board's applications to form a Corporation or PLLC are located on the Board's website.

Corporation & PLLC Name Changes

Name changes to Corporations and PLLCs are to be authorized by the Board. Name change requests must be made in writing, with amending documents, proper fee, and prior to completion of changes with the Secretary of State's Office. Once it is determined the name change is proper, the Board will issue an authorization directly to the Secretary of State's Office.

The rules as stated in the page 4 article apply.

Website Update

The Board's website has seen some improvements over the past two years. We have a FAQ page, which is currently under construction. Should you have suggestions for this page you may email them to us at any time. The following information can be found on our website:

Online License Applications (initial and renewals)

License Verifications & Verification Letter Request Form

Meeting Calendar & Agendas

Board Guidelines, Position Statements & Resolutions

Emergency Drug Kit & Equipment List

Laws & Rules

Past Newsletters

Miscellaneous Forms - Donated Dental Services, General Supervision/Public Health Reporting

Board Actions

Special Health Advisories

Archived Notices

Meeting Minutes and

Links to the Dental Recovery Network, Opioid Overdose and Naloxone Brochures, Suggested Protocol for Retiring or Closing a Dental Practice and EPA Dental Effluent Guidelines and Compliance Form

A Guide for WV Dentists to SB273, also known as the Opioid Reduction Act, which became effective June 7, 2018, was developed and placed on the website to assist in understanding this new law. Be aware, the Board has no control over prescriptions a pharmacy may refuse to fill.

WEST VIRGINIA BOARD OF DENTISTRY

Mountaineers Are Always Free



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WE'RE ON THE WEB
WWW.WVDENTALBOARD.ORG

THE BOARD'S MISSION

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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