



West Virginia Board of Dental Examiners 2008 Fall Newsletter

From the President

David G. Edwards, DDS



The West Virginia Board of Dental Examiners has had a very busy year. Perhaps of greatest interest to the dental community is the passing of Senate Bill 13 of the 2008 legislative session, which opened the door for dental hygienists to practice under general supervision and permit them to

engage in public health practice.

I would like to thank Dr. Michelle Klenk for giving her time working to develop the original draft of the rules and regulations concerning general supervision and public health practice. This was not a simple task. Dr. Klenk gathered feedback from contacts in the public health arena, the dental community and legislative members and staff in drafting these rules.

I wish to thank members of the dental community who've shown interest in the Board's proposal of these rules by attending our meetings and sending their written comments to us. The Board's first priority is protection of the health, safety and welfare of the citizens of our state. While the decisions made by the Board concerning these rules were not easy, I feel we have done the best possible job to protect the public while advancing the practice of dentistry and hopefully improving access to care.

You may review the emergency rules, which were approved by Secretary of State, Betty Ireland, on August 13th, 2008, on our web site www.wvdentalboard.org. You will find the applications for general supervision and public health practice permits there as well.

Also, the Board is very pleased with the passage of House Bill 4129 during this past legislative session. This bill allows the Board to issue volunteer licenses to those dental professionals who wish to donate services to patients in free dental clinics. The Board issued its first and only volunteer license on August 5, 2008. This license was used to provide free dental care to hundreds of patients in McDowell County this summer. Continuing education requirements for a volunteer licensee are two hours of infection control and a health care provider CPR card every continuing education period.

MEMBERS OF THE BOARD

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Carolyn A. Brewer, Office Manager
John C. Dixon, DDS, Investigator

BOARD LEGAL COUNSEL

Darlene Ratliff Thomas, Assistant Attorney General

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I want to thank all of the members of this Board, past and present, for their tireless efforts in giving clinical examinations and taking time out of their private practices and private lives to do so. Our Board is a member of the Northeast Regional Board (NERB) and the Southern Regional Testing Agency (SRTA). Both of these exams are offered at West Virginia University, School of Dentistry, giving students a choice in exams. We have had several members give exams for the Western Regional Examining Board as well.

The Board is a member of the American Association of Dental Examiners. This organization serves as an information resource to assist dental regulatory Boards with their obligation to protect the public. I'm proud to say two West Virginians have served this organization as President, Dr. James D. Mendenhall of Parkersburg and most recently Dr. George D. "Buck" Conard, Jr., of Huntington, who is a current member of the Board. Their service and dedication to the dental community and the public is greatly appreciated.

A heartfelt thank you to Dr. James W. Vargo, who recently completed his second term on the Board this summer, for his service to the citizens of this state. Dr. Vargo continues to be a voting member of SRTA and continues to examine for this agency.

I would like to welcome Craig L. Meadows, DDS, a Periodontist from Martinsburg, West Virginia, to the Board. Governor Joe Manchin appointed Dr. Meadows to the Board on July 23, 2008. The Board looks forward to working with Dr. Meadows and looks forward to his input and expertise on the various dental and public issues this Board handles.

This Board could not function without the tireless efforts of Marc Harman, Executive Secretary; Susan Combs, Assistant Executive Secretary; and Carolyn Brewer, Office Manager. For these three people I remain eternally grateful and want to say thank you for all you do for the citizens of our state, the members of our Board and for me in particular

In closing, great strides have been made this year in an attempt to increase the access to dental care and improving the dental health of all of West Virginia. I am proud that I have been a part of this effort. It is a privilege to be a member of this Board.

Sincerely,
David G. Edwards, DDS, President

SECRETARY OF STATE, BETTY IRELAND APPROVES EMERGENCY RULES

Pursuant to Senate Bill 13, which passed during the 2008 Legislative Session, the Board filed a Notice of an Emergency Rule on June 4, 2008, with the Secretary of State's Office. On July 15, 2008, the Board filed an amendment to the proposed emergency rules, which Secretary Ireland approved on August 13, 2008.

The rules implement provisions for the general supervision of dental hygienists, in private practice and other settings, who have completed two years and three thousand hours of clinical dental hygiene experience. It also implements provisions for public health practice by a dental hygienist with the same amount of clinical dental hygiene experience.

Permit Required

A permit is required for a hygienist to practice under general supervision or to engage in public health practice. Hygienists should review the emergency rules in order to determine the appropriate permit for their practice situations.

The rules, as well as permit applications, are available on the Board's web site - www.wvdentalboard.org

It is the choice of each licensed dentist whether general supervision is permitted in their practice.

CE Requirements Change

A general supervision permit holder shall provide proof of successful completion of a three hour course in the identification and prevention of medical emergencies as part of their twenty credit hour requirement for licensure every two years.

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.

BOARD ORDERS TEETH WHITENING KIOSK TO CEASE & DESIST, SEEKS INJUNCTION

The Board investigated a teeth whitening kiosk located in the Charleston Town Center Mall operated by Brighten Smile, USA, LLC. The Board's investigation revealed the owner/operator, Ms. Terri Westfall, did not hold a license to practice dentistry in the State of West Virginia.

The Board considers tooth whitening to be a dental procedure, and can only be performed by a licensed dentist or a licensed hygienist, under the supervision of a dentist, who holds a certificate to perform bleaching duties.

On July 2, 2008, the Board sent a cease and desist letter to Brighten Smiles, USA, LLC. Brighten Smiles failed to cease its practice forcing the Board to file a civil action in the Circuit Court of Kanawha County before Judge Paul Zakaib, Jr. Judge Zakaib heard testimony on August 4, 2008, and granted a temporary injunction, which is currently in effect.

Brighten Smile, USA, LLC, is allowed to sell whitening products, but is prohibited from providing any services associated with the sales of whitening products during the temporary injunction.

COMPLAINTS REGARDING UNPROFESSIONAL CONDUCT

Over the last year, the Board has received complaints concerning the unprofessional, rude and abusive behavior of several licensees. Evidence in these complaints did not show a clear violation of the Dental Practice Act or ADA Code of Professional Ethics. However, the Board will be urging the West Virginia Legislature to strengthen the law in order to protect patients from such behavior.

REPORTING OF IMPAIRED PRACTITIONERS

If you are a licensed professional in the State of West Virginia, and work for, with, or have knowledge of a person who is licensed by the Board and is a danger to the public due to impairment, you are legally obligated to report that licensee to the Board. Disciplinary actions will be taken against any licensee that fails to report these situations to the Board.



CONTINUING EDUCATION REQUIREMENTS

The required amount of continuing education credits for dentists and hygienists are: Dentists are required to obtain thirty-five (35) hours and hygienists twenty (20) hours within a continuing education period, with at least two (2) of those hours relating to infection control and/or occupational hazards, oral effects of tobacco use, or the oral effects of substance abuse.

The Board recognizes individuals who serve on national, state, and local dental or dental hygiene boards, councils or committees and allows one (1) hour of continuing education credit for every four (4) hours of meeting time. This amount cannot exceed more than five (5) hours of the total biennial requirement

Dentists may earn up to five (5) hours and hygienists three (3) hours of credit by providing treatment to indigent patients (pro bono). One half hour (1/2) is allowed for every hour of documented treatment.

Documentation must be retained for care of indigent patients and would be necessary to complete any continuing education audit. This documentation can be obtained from the Board's web site.

A current certification for a Health Care Provider CPR/Basic Life Support is required and does count toward CE credits. This card must be obtained through the American Heart Association (Health Care Provider) or American Red Cross (Professional Rescuer).

The current continuing education period began February 1, 2008, and ends on January 31, 2010.

See Anesthesia Permit Holder Requirements for CE on page 7.

CONTINUING EDUCATION AUDITS

The Board recently conducted a continuing education audit of 100 licensees, with 97 completing their audit successfully thus far.

Common audit deficiencies noted in previous audits are as follows:

- ** Home study exceeding the number of hours allowed;
- ** Courses reported on form doesn't match documentation;
- ** Documentation not retained or lost (documents must be retained for a period of six years);
- ** Reporting Investment and Estate Planning courses which are not allowed for credit;
- ** Duplicate courses taken during the CE period.

LICENSURE STATISTICS

DENTAL

Total Active Licenses	1223
Total Retired Licenses	175
Total Practicing in State	849

DENTAL ANESTHESIA

Class 2 (Anxiolysis)	25
Class 3A (Enteral Sedation)	26
Class 3B (Parenteral Sedation)	10
Class 4 (General Anesthesia)	35

HYGIENE

Total Active Licenses	1213
Total Retired Licenses	139
Total Practicing in State	812

General Supervision Permits	144
Public Health Practice Permits	2

EXPANDED DUTIES CERTIFICATES

HYGIENE

Local Anesthesia	124
Bleaching	275
Nitrous Monitoring	301

ASSISTANTS

Nitrous Monitoring (Assistants)	554
Restorative	482
Orthodontic	251
Both Ortho & Restorative	24

RELEASE OF PATIENT RECORDS

The Board continues to receive complaints every year concerning the release of patient records.

Dentists must make available to patients copies of records when requested. (Do not release original records - only copies). Charges may not exceed .75¢ per page and search fee may not exceed \$10.00, per West Virginia Code §16-29-1 and 2.

RECORDS CANNOT BE HELD HOSTAGE FOR UNPAID ACCOUNT BALANCES.

CORPORATION & PRACTICE OWNERSHIP RULES PROPOSED

During the 2008 Legislative Session, the corporate license tax return was repealed. A copy of this form was required to be filed with the Board of Dental Examiners with corporation renewals. The Board is proposing changes to require a copy of the annual report, which is now required to be filed with the Secretary of State. The Board is proposing a change in the due date of corporate renewals to the Board to allow an additional thirty days from the time this form is due to the Secretary of State.

Additionally, this rule will protect the public in limiting ownership and thereby control of dental practices. It will allow heirs of deceased or incapacitated dentists to keep a practice active by employing other dentists for a period of time, until the practice can be sold or properly closed.

PLLC OR CORPORATION NAMES AND NAME CHANGES

Only actively practicing dentists may be incorporators of a Dental PLLC or Dental Corporation. The PLLC or Corporation shall contain nothing but the name, which must include surnames of one, some or every shareholder of the corporation, except in a case where a city, town or municipality may be used when necessary to make a name unique with the Secretary of State's Office.

All PLLC or Corporation name changes must be approved by the Board and will be forwarded to the Secretary of State by the Board.

CHANGE OF MEMBERS OR STOCK HOLDERS

When a shareholder ceases to be an incorporator or member of a corporation or PLLC and whose name is a part of the corporate or PLLC name, that name must be changed by deleting that person from the name. That person has twenty days to report to the Board in writing that he has ceased being a member of the business organization

TRADE NAMES

The rules of the Board prohibit the use of a trade or firm names for the practice of dentistry and allow only the use of a dentist and/or dentists true name(s). The Board will be taking a more aggressive approach in enforcing this rule.



Disciplinary Actions

Bonham, Leslie D., RDH - Consent Decree - failed continuing education audit. Fined \$100; costs of \$150.

Cassis, Bruce L., DDS - Consent Decree - 1 year Suspension, all but 15 days stayed with additional stipulations; alleged conduct, practices or acts constituting professional negligence and willful departure from accepted standards of professional conduct; Fine \$5,000; costs \$6,000.

Gandee, James D., DDS - Consent Decree - 3 year Suspension, all but 15 days stayed with additional stipulations; departure from accepted standards and professional conduct; Fine \$500; costs \$2,500.

Garrett, Beverly J., DDS - Consent Decree - Reprimand; Standard of Care; Patient restitution \$5,000; costs of \$1,000.

Honaker, Thomas A., DDS - Consent Decree - Reprimand with additional stipulations; Failure to maintain a valid anesthesia permit; Fined \$5,000; costs of \$1,000.

Henderson, James M., DDS, MD - Consent Decree - Reprimand; Standard of Care; Fined \$5,000; costs of \$1,000.

Kirkpatrick, James E., DDS - Consent Decree - Voluntary Surrender with additional stipulations; Unprofessional conduct; Fined \$500; costs of \$3,000.

Lake, Terry L., DDS - Board Order - 5 Year Suspension, all but 60 days stayed with additional stipulations; Fined \$1,000; costs of \$6,000.

Marcum-Clark, Cindy J., RDH - Consent Decree - Reprimand; Departure from accepted standards of care; Fined \$2,000; costs of \$500.

Osborne, James W., DDS - Consent Decree - 3 Year Probation with additional stipulations; Standard of Care; Fined \$500; costs of \$4,000.

Rhodes, Charles W., DDS - Consent Decree - Reprimand with additional stipulations; Failure to supervise; Departure from accepted standards of care; Fined \$5,000; costs of \$2,000.

Rumberg, Jennifer C., RDH - Consent Decree - Reprimand; Departure from accepted standards of care; Fined \$1,000; costs of \$500.

Scheneberg, Kimberly, RDH - Consent Decree - Reprimand; Departure from accepted standards of care; Fined \$1,000; costs of \$500.

Tuberoso, Mark S., DDS - Consent Decree with stipulations; costs of \$2,000.

Zirkle, Eve H., RDH - Consent Decree - Failed continuing education audit. Fined \$100; costs of \$150.

LICENSES DENIED

Dr. Alan Aronowitz
Dr. David Fuderich
Dr. William Poling
Dr. Adam Quillen
Dr. Paul Tescione

NITROUS OXIDE MONITORING

Assistants and Dental Hygienists who monitor nitrous oxide must obtain a certificate from the Board to do so. This duty is only allowed under **DIRECT** supervision.

UNDER NO CIRCUMSTANCE can an assistant or hygienist administer nitrous oxide. This can only be done by the dentist.



NOTE CONCERNING RENEWALS

The Board's staff urges licensees to renew licenses in a timely manner to avoid late fees and to prevent the loss of applications. If your renewal form is not received by February 1, 2009, a late fee shall be assessed equal to the annual renewal fee of said licensee.

CORPORATIONS & PLLCS, THANK YOU!

The Board's staff, Susan and Carolyn, would like to thank the Corporations and PLLCS for successfully filing their renewals in a timely manner this year.

DEFAULTED EMPLOYERS

During the past licensure renewal period, the Board denied the issuance of renewal certificates to eleven (11) licensees listed as in default with WV Worker's Compensation Division, or the Unemployment Compensation Division. All licensees corrected the default status, and licenses were issued prior to the May 1st suspension deadline.

New Corporations or PLLCs will not be authorized if a dentist is listed as being in default with Worker's Compensation Division or Unemployment Compensation Division.

Should a licensee be in a continued default status without resolution, the Insurance Commission will request revocation of the professional license and the Board will act upon that request.

PATIENT COMPLAINT STATISTICS JANUARY 1, 2008 - OCTOBER 1, 2008

Number of Patient Complaints - 36

Billing & Fees	5
Dentures/Partials/Crowns	7
Unsatisfied with treatment/work	10
Unprofessional/Ethics Issues	9
Sanitation Issues	3
Other Standard of Care Issues	2

REPORTING OF DEATH, SERIOUS COMPLICATIONS OR INJURY

If a death, complication or injury occurs from the administration of general anesthesia/deep conscious sedation, conscious sedation, anxiolysis or relative analgesia, the licensee performing the dental procedure must submit a written detailed report to the Board within five (5) days of the incident, with copies of the patient's original dental records. If the anesthetic agent was administered by a person other than the person performing the dental procedure, that person must also submit a detailed written report. The report(s) must include:

- (1) Name, age and address of patient;
- (2) Name of the licensee and other persons present during the incident;
- (3) Address where the incident took place;
- (4) Type of anesthesia and dosages of drugs administered to the patient;
- (5) A narrative description of the incident including approximate times and evolution of symptoms; and
- (6) The anesthesia record and the signed informed consent form for the anesthesia when required.

"MONTANI SEMPER LIBERI"



Mountaineers Are Always Free!!!

**LICENSES NOT RENEWED
FOR 2008**

DENTISTS

Mohamed Ahmed
Shariq Baqai
Homer Bell, III
Joseph Bonavilla
Sharon Crowder
Byron Davis
Bruce Dietterick
Rodney Floyd
Raymond Hinerman, Jr.
Nareem-Anne Jaouni Slayyeh
Kevin Koebley
James Koelbl
Joseph Krajekian
Todd Lewis
Nicole Malony
William Mason
Cynthia McCord
Nicholas Miller
Joseph Mullins
Gregoire Panossian
Earl Price
Cindy Reed
Michael Reed
Kathleen Roth
Joan Sandell
Stephen Semesco
George Smith
Larry Venham
David Verlinich
William Wilcko
Lyle Wilkinson
Victor York
Jonathan Yura
Mark Zubick

HYGIENISTS

Adriana Booth
Terra Brown
Deborah Bundren
Jacalyn Burns
Rachelle Burns
Loren Carrigan
Anita Carvalho
Patricia Conn
Lynn Courts
Deborah Dayfield
Dora Desrosiers
Meghan Gillum
Gina Guffey
Dianne Herscher
Maranda Johnson
Melody Keene
Holly King
Beverly Kosmach
Barbara Leatherman
Lois Logan
Maria Mezzanotte
Stacie Mihaly
Beth Miller
Toni Miller
Keli Miller-Thompson
Alexandra Mougianis
Marcia Owens
Charlena Ramey
Shawonna Raynes
Courtney Salvini
Judy Shaffer
Diane Simmons-Lumadue
Deborah Sokolosky
Terica Springer
Billie Taylor
Janey Wigal
Sherry Wolford

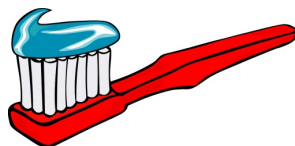
**ANESTHESIA PERMIT
HOLDER
CE REQUIREMENTS**

As part of the 35 hours required for a CE reporting period, class 2 anesthesia certificate holders must complete at least 6 hours and class 3 and 4 permit holders must complete 16 hours of credits in one or more of the following areas:

- (1.) oral or nitrous oxide sedation;
- (2.) conscious sedation;
- (3.) general anesthesia;
- (4.) physical evaluation;
- (5.) medical emergencies;
- (6.) monitors and use of monitoring equipment;
- (7.) pharmacology; or
- (8.) advanced cardiac life support, pediatric advanced life support or advanced trauma life support(maximum of 8 hours credit)

(b.) No courses or re-certifications completed on the Internet will be accepted for advanced cardiac life support, pediatric advanced life support or advanced trauma life support

(c.) These continuing education credits earned will count for part of the 35 hours required for each biennial period. This requirement is effective for the biennial period beginning February 1, 2008 through January 31, 2010.



**BOARD CONTACT
INFORMATION**

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wvbde@suddenlinkmail.com

WEB SITE:

www.wvdentalboard.org

West Virginia Board of Dental Examiners
PO Box 1447
Crab Orchard, WV 25827-1447

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 _____