



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Dentistry WV Board of TITLE-SERIES: 5-08
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Dental Advertising
CITE STATUTORY AUTHORITY: W. Va. Code §30-4-6

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB4252

Section §64-9-7 Passed On 3/6/2020 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

June 1, 2020

This rule shall terminate and have no further force or effect from the following date:

June 01, 2030

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Susan Combs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

5CSR8

TITLE 5
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF DENTISTRY

SERIES 8
DENTAL ADVERTISING

§5-8-1. General.

- 1.1. Scope. -- This rule regulates the advertising of the practice of dentistry.
- 1.2. Authority. -- W. Va. Code §30-4-6.
- 1.3. Filing Date. -- April 10, 2020
- 1.4. Effective Date. -- June 1, 2020
- 1.5. Sunset Date. -- This rule shall terminate and have no further force or effect on June 1, 2030.

§5-8-2. Definitions.

2.1. As used in this rule, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

2.1.a. "Board" means the West Virginia Board of Dentistry;

2.1.b. "Advertising" means any communication, whether oral or written, between a dentist or other entity acting on behalf of one or more dentists and the public. It includes, but is not limited to: business cards, signs, insignias, letterheads, internet communications, radio, television, newspaper and magazine ads, and display or group ads or listings in telephone directories.

§5-8-3. Dentists may advertise.

3.1. Any advertising engaged in by a duly registered and currently licensed dentist in West Virginia shall be in compliance with the provisions set forth herein and W. Va. Code §30-4-1 et seq.

3.2. A duly registered and currently licensed dentist may not use or participate in the use of any advertising containing a false, fraudulent, misleading, deceptive or unfair statement or claim.

§5-8-4. Announcement of Services.

4.1. Any announcement of services by a general practitioner shall state in a prominent manner that the dental practice is one of general dentistry.

4.2. The announcement of services of the general practice of dentistry shall be clearly legible, with print equal to or larger than the announcement of services, and clearly audible, with speech volume and pace equal to the announcement of services.

4.3. Any announcement or advertisement of sedation services, may only be allowed by a licensed dentist in compliance with the provisions of W. Va. Code §30-4A-1 et seq.

§5-8-5. Compliance.

5.1. Any registered and currently licensed dentist in West Virginia failing to comply with the provisions of this article is subject to disciplinary action as provided in W. Va. Code §30-4-19.