

**West Virginia Board  
of Dental Examiners**  
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## DENTAL ADVERTISING

On March 11, 2006, the Legislature passed the Board's rule concerning dental advertising. This rule went into effect May 1, 2006, and regulates the advertising of the practice of dentistry in the State of West Virginia. You may visit the Board's web site at [www.wvdentalboard.org](http://www.wvdentalboard.org) to print a copy of these rules.

In addition to reviewing these new rules, please review the Dental Practice Act, which is also on our web site. The Board has received complaints concerning advertisements being placed by dentists in phone directories, magazines, newspapers, etc.

A person may not present themselves as a specialist of an area of dentistry unless actually licensed in that specialty area.

Do not advertise as a specialist in an area of dentistry that is not a recognized specialty.

You may not claim or give the impression of professional superiority or the performance of professional services in a superior manner.

Do not guarantee any dental services.

Do not advertise pain-free dental treatment.

Do not advertise in any manner that is false or misleading in any material respect.

If you are a general dentist state in your ads that you are a general dentist and not a specialist. For Example:

### General Dentistry

#### We Are Not Licensed Specialists

The use of titles such as DDS, DMD and MD are allowed. Use of specialty diplomates and degrees are allowed only if it is a recognized specialty of the ADA and the individual(s) have obtained a specialty certificate from the Board allowing him or her to engage in a specialty practice.

Claims made in ads must be truthful and substantiated by competent and reliable evidence. Please pay close attention when approving ads concerning your practice. You are responsible to ensure the ads are not in violation of the Dental Practice Act or the Board's rules. **All ads should be approved by the licensee(s) and not office staff!**

The Board has sent several educational and/or cease and desist letters concerning advertisements and will be reviewing particular dentists' ads in the future to ensure compliance with the rules. Should a dentist be found guilty of violating the laws and/or rules, a fine may be assessed up to \$1,000 per day per violation.

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### MEMBERS OF THE BOARD

Mrs. Dina Agnone Vaughan, BSDH, MS, President

Mrs. Dolores L. Gribble, Secretary

John C. Dixon, DDS

Bernard J. Grubler, DDS

James W. Vargo, DDS

David G. Edwards, DDS

H. Richard Marshall, Jr., DDS

Richard D. Smith, DDS

Mrs. Debra D. Dent, CDA

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Babak D. Noorbakhsh, DDS, Parkersburg

William R. Marshall, DDS, Morgantown

Ashley J. Patnoe, DDS, Charleston

Don E. Skaff, DDS, Charleston

Timothy G. Thorne, DDS, Moorefield

Bryan D. Weaver, DDS, Morgantown

### STAFF

Marc L. Harman, Executive Secretary

Susan M. Combs, Administrative Secretary

Carolyn A. Brewer, Office Assistant II

## **CORPORATION & PLLC RENEWALS**

Corporation and PLLC renewals require copies of certain forms to be attached to the renewal form in order to continue authorization for the Corporation or PLLC. The Board has several Corporations and PLLCs that are in continued default status in violation of the Board's rules. Currently the Board is following complaint procedures to resolve these matters which could result in disciplinary actions against the licensees.

### **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 directly by the Board.**

### **REPORTING OF IMPAIRED PRACTITIONERS**

As a licensed professional in the State of West Virginia, if you work for or with or have knowledge of a person who is licensed by the Board and is a danger to the public due to impairment or any other means, you are legally obligated to report that licensee to the Board. Disciplinary actions may be taken against any licensee that fails to do so.

### **PRESCRIBING AND CHRONIC PAIN ISSUES**

The Board has noted a growing number of dentists who are over-prescribing narcotics for dental procedures and chronic pain cases. The Board is conducting numerous investigations and has issued formal complaints concerning over-prescribing and the treatment of chronic pain. The Board will be taking a firm stand regarding these issues in order to protect the health, safety, and welfare of the public.

## **DEFAULTED EMPLOYERS**

During the past licensure renewal period the Board denied the issuance of renewal certificates to fifteen (15) licensees listed as in default with WV Worker's Compensation Division, now Brick Street, or the Unemployment Compensation Division. All licensees corrected the default status, and licenses were issued before the May 1<sup>st</sup> 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.

### **TRADE NAMES**

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

### **CONTINUING EDUCATION REQUIREMENTS**

The required amount of continuing education credits for dentists and hygienists has increased. 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.

A current certification for a Health Care Provider CPR/Basic Life Support is required and does count toward CE credits.

## INFECTION CONTROL STANDARDS

The Board is seeing an increasing number of complaints regarding infection control. All dentists & hygienists should strictly follow the American Dental Association Policy Statement on Bloodborne Pathogens, Infection Control and the Practice of Dentistry. The Board will not tolerate anything less.

## 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, along 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.

## LICENSURE STATISTICS

### AS OF 11/02/06

	DENTAL	HYGIENE
Total Active Licenses	1,217	1,162
Total Retired Licenses	186	131
Total Practicing In State	839	747

## ANESTHESIA PERMITS

Class 2 (anxiolysis)	22
Class 3A (enteral)	20
Class 3B (parenteral)	10
Class 4 (general)	35

## ANXIOLYSIS & ENTERAL SEDATION CERTIFICATE OR PERMIT REQUIRED

Effective July 8, 2005, the new anesthesia law took effect in the State of West Virginia. The law requires dentists who prescribe a single pre-med for anxiety, **combined** with nitrous oxide, obtain a certificate to do so. This certificate is known as a Class 2 certificate for anxiolysis.

The law also requires those using multiple dosing beyond the recommendations of the manufacturer, with or without the use of nitrous oxide, to obtain conscious sedation obtain a permit to do so. This permit is known as a Class 3a permit for enteral sedation.

Should you be inducing these types of sedation without a certificate or permit, you are in violation of the law and will be disciplined accordingly.

Should you need to obtain a certificate or permit, you may contact the Board office for an application.

A single pre-med, within the recommended dose of the manufacturer, does not require a permit.

The use of nitrous oxide alone does not require a permit.

## DISCIPLINARY ACTIONS

**Dr. James G. Bryant** - Consent Decree - Violation of the dental practice act. Fine \$1,000 costs assessed to date \$8,467.29.

**Dr. James E. Kirkpatrick, III** - Suspended for two years with suspension lifted and stayed. Violation of the dental practice act, license revoked in another State. Fine \$1,000 costs assessed to date \$2,802.00.

**Dr. Michael Sokolosky, Jr.** - Consent Decree - Violation of the dental practice act. Costs assessed \$750.00

## WE HAVE MOVED!!!!

The Board has moved its office to a new location in Crab Orchard, West Virginia. Please send all correspondence to the Board's new mailing address as follows:

PO Box 1447  
Crab Orchard, WV 25827-1447

### NEW FEE SCHEDULE/LATE FEES

The Board office advises all licenses to review the new rules regarding fees and late fees.

Any Dental, Dental Specialty, Hygiene, Anesthesia licensee or Dental Corporation, PLLC, etc. that fails to renew by the specified renewal date, **shall be assessed a penalty fee equal to the renewal fee** as required by statute or rule, in addition to other conditions of renewal.

Any Licensee that fails to report his/her continuing education requirements by the required reporting date **shall be assessed a penalty fee equal the annual renewal fee of said licensee.**

Dental annual renewal fees were increased to \$150 and hygiene annual renewal fees were increased to \$65.

This rule went into effect April 18, 2006, and includes miscellaneous fees not previously charged. You may visit the Board's web site at [www.wvdentalboard.org](http://www.wvdentalboard.org) to review these rules.

### NOTE CONCERNING RENEWALS

The Board's staff urges licensees to renew their licenses in a timely manner to avoid late fees and to help prevent the loss of your application.



### ***Before you perform those Duties...***

The Board reminds all dental auxiliary and employer dentists to secure the necessary certificates to do expanded duties that require a board-approved course and/or testing.

Completion of a board-approved course and/or testing does not authorize you to practice these privileges until your application is completed and a certificate is issued.

Performing such duties without a certificate issued by the Board of Dental Examiners is a violation.

**ALSO**, when applying for an expanded-duties certificate (restorative and orthodontic assistant, nitrous monitoring, bleaching and/or local anesthesia), a fee of \$25 per application will be charged.

### NEXT SCHEDULED BOARD MEETING

January 5 & 6, 2007

Board Office

Crab Orchard, West Virginia

March 30 & 31, 2007

Location To Be Announced

### THANK YOU DR. DIXON!!

The Board extends its appreciation to Dr. John C. Dixon of Charleston, WV, who has generously contributed his time and knowledge as a member of the Board and for his dedication to serving the citizens of the State of West Virginia from 1996 through present.