

1 HB522
2 118624-2
3 By Representative Ward
4 RFD: Boards and Commissions
5 First Read: 09-FEB-10

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 To amend Sections 34-9-10, 34-9-16, 34-9-41, and
9 34-9-42, Code of Alabama 1975, relating to the Board of Dental
10 Examiners, to provide further for fees of dental hygienists
11 and mobile dental fees, and to provide further for a quorum of
12 the board.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 34-9-10, 34-9-16, 34-9-41, and
15 34-9-42, Code of Alabama 1975, are amended to read as follows:

16 "§34-9-10.

17 "(a) Every person who desires to practice dentistry
18 within the State of Alabama shall file an application
19 prescribed by the board. Notwithstanding the method of
20 obtaining licensure or any particular requirement set forth
21 herein, every person as a prerequisite to licensure must be at
22 least 19 years of age, of good moral character, a citizen of
23 the United States or, if not a citizen of the United States, a
24 person who is legally present in the United States with
25 appropriate documentation from the federal government, a
26 graduate of a dental school or college accredited by the

1 American Dental Association Commission on Dental Accreditation
2 and approved by the board and must satisfy any other
3 requirement set forth in any rule adopted by the board.

4 "(b) Licensure by examination shall be applicable to
5 the following categories:

6 "(1) Those individuals who have never been licensed
7 or taken an examination and whose application to take an
8 examination administered or approved by the board is received
9 by the board within 18 months of graduation from dental
10 school.

11 "(2) Those individuals who have successfully passed
12 an examination approved but not administered by the board so
13 long as an application for licensure is received by the board
14 within 18 months of the date of notification of passing such
15 examination. All applicants shall pay a fee which shall
16 accompany the application.

17 "(c) Any individual who possesses a current license
18 in any state, who has passed an examination approved by the
19 board and who has, since graduation from dental school,
20 practiced or participated in a clinical residency or practiced
21 dentistry in the Armed Forces or with the public health
22 service shall be eligible for licensure if an application is
23 received by the board within 18 months of the completion of
24 the subject residency or Armed Forces or public health service
25 commitment. All the above applicants shall pay a fee which
26 shall accompany the application.

1 "(d) Licensure by credentials may be utilized to
2 evaluate the theoretical knowledge and clinical skill of a
3 dentist or dental hygienist when an applicant for licensure by
4 credentials holds a dental or dental hygiene license in
5 another state. The board may promulgate rules and regulations
6 relating to licensure by credentials in addition to any
7 requirements by law. An applicant for licensure by credentials
8 must meet all of the following:

9 "(1) The dentist or dental hygienist must have been
10 engaged in the active practice of clinical dentistry or
11 clinical dental hygiene or in full-time dental or dental
12 hygiene education for the five years or 5,000 hours
13 immediately preceding his or her application.

14 "(2) The applicant must hold a current, valid,
15 unrevoked, and unexpired license in a state having examination
16 standards regarded by the Board of Dental Examiners of Alabama
17 as an equivalent to the Alabama standards.

18 "(3) The board of examiners in the state of current
19 practice must verify or endorse that the applicant's license
20 is in good standing without any restrictions.

21 "(4) The dentist or dental hygienist must not be the
22 subject of a pending disciplinary action in any state in which
23 the individual has been licensed which shall be verified by a
24 query to the National Practitioner Data Bank, the Health
25 Integrity Protection Data Bank, the American Association of
26 Dental ~~Examiners~~ Boards Clearing House for Disciplinary

1 Information or any other pertinent bank currently existing or
2 which may exist in the future.

3 "(5) The applicant must provide a written statement
4 agreeing to be interviewed at the request of the board.

5 "(6) The individual must successfully pass a written
6 jurisprudence examination.

7 "(7) There must be certification from the United
8 States Drug Enforcement Administration and from the state
9 board of any state in which the applicant is or has been
10 licensed that the DEA registration is not the subject of any
11 pending disciplinary action or enforcement proceeding of any
12 kind.

13 "(8) The applicant must submit affidavits from two
14 licensed dentists or two licensed dental hygienists practicing
15 in the same geographical area where the applicant currently is
16 practicing or teaching attesting to the applicant's moral
17 character, standing, and ability.

18 "(9) The applicant must provide the board with an
19 official transcript with school seal from the school of
20 dentistry or school of dental hygiene which issued the
21 applicant's professional degree or execute a request and
22 authorization allowing the board to obtain the transcript.

23 "(10) The applicant must be a graduate of a dental
24 or dental hygiene school, college, or educational program
25 approved by the board.

1 "(11) The applicant must not be the subject of any
2 pending or final action from any hospital revoking,
3 suspending, limiting, modifying, or interfering with any
4 clinical or staff privileges.

5 "(12) The applicant must not have been convicted of
6 a felony or misdemeanor involving moral turpitude or of any
7 law dealing with the administering or dispensing of legend
8 drugs, including controlled substances.

9 "(13) The board may consider or require other
10 criteria including, but not limited to, any of the following:

11 "a. Questioning under oath.

12 "b. Results of peer review reports from constituent
13 dental societies or federal dental services.

14 "c. Substance abuse testing or treatment.

15 "d. Background checks for criminal or fraudulent
16 activities.

17 "e. Participation in continuing education.

18 "f. A current certificate in cardiopulmonary
19 resuscitation.

20 "g. Recent case reports or oral defense of diagnosis
21 and treatment plans.

22 "h. Proof of no physical or psychological impairment
23 that would adversely affect the ability to practice dentistry
24 or dental hygiene with reasonable skill and safety.

25 "i. An agreement to initiate practice within the
26 State of Alabama within a period of one year.

1 "j. Proof of professional liability coverage and
2 that coverage has not been refused, declined, cancelled,
3 nonrenewed, or modified.

4 "k. Whether the applicant has been subject to any
5 final disciplinary action in any state in which the individual
6 has been licensed which shall be verified by a query in the
7 National Practitioner Data Bank, the Health Integrity
8 Protection Data bank, the American Association of Dental
9 ~~Examiners~~ Boards Clearing House for Disciplinary Information,
10 any state where the applicant has been licensed, or any other
11 pertinent bank currently existing or which may exist in the
12 future.

13 "l. Whether the applicant's DEA registration or any
14 state controlled substances permit has ever been revoked,
15 suspended, modified, restricted, or limited in any way.
16 Provided, however, that any discipline that results only from
17 a failure to timely renew a registration or permit shall not
18 prevent an applicant from being eligible for this method of
19 licensure.

20 "(14) If all criteria and requirements are satisfied
21 and the board determines, after notice and hearing, that the
22 individual committed fraud or in any way falsified any
23 information in the application process, the license may be
24 revoked by the board.

25 "(15) In addition to the requirements for applicants
26 seeking licensure by credentials, an applicant desiring to

1 practice a specialty only must meet the following
2 requirements:

3 "a. The specialty must be one in a branch of
4 dentistry approved by the American Dental Association.

5 "b. The applicant must meet the existing educational
6 requirements and standards set forth by the American Dental
7 Association for that approved specialty.

8 "c. An applicant who chooses to announce or practice
9 a specialty must limit his or her practice exclusively to the
10 announced special area or areas of dental practice.

11 "d. If an applicant who is initially licensed by
12 credentials for a specialty practice decides to renounce his
13 or her specialty and practice general dentistry, and the
14 license originally issued did not require a general dental
15 license but rather a specialty license, or the applicant
16 originally passed only a specialty examination, the applicant
17 may not practice general dentistry until he or she
18 successfully passes the board's regular general dentistry
19 examination. However, if the applicant has passed a general
20 dentistry examination or has a general dentistry license, was
21 practicing a specialty, and decides not to continue that
22 specialty and practice only general dentistry, the applicant
23 is eligible for licensure by credentials as a general dentist.

24 "(e) Notwithstanding the provisions of subsection
25 (a), the board shall issue a special purpose license to

1 practice dentistry across state lines to an applicant who has
2 met the following requirements:

3 "(1) The applicant holds a full and unrestricted
4 license to practice dentistry in any state of the United
5 States or in territories, other than the State of Alabama, in
6 which the individual is licensed.

7 "(2) The applicant has not had any disciplinary
8 action or other action taken against him or her by any state
9 or licensing jurisdiction. If there has been previous
10 disciplinary or other action taken against the applicant, the
11 board may issue a certificate of qualification if it finds
12 that the previous disciplinary or other action indicates that
13 the dentist is not a potential threat to the public.

14 "(3) The applicant submits an application for a
15 certificate of qualification for a special purpose license to
16 practice dentistry across state lines on a form provided by
17 the board, remits an application fee in an amount established
18 by the board, and pays a fee.

19 "(f) A special purpose license issued by the board
20 to practice dentistry across state lines limits the licensee
21 solely to the practice of dentistry across state lines. The
22 special purpose license shall be valid for a period of three
23 years, shall expire on a renewal date established by the board
24 in the third calendar year after its issuance, and may be
25 renewed upon receipt of a renewal fee as established by the
26 board. Failure to renew a license according to the renewal

1 schedule established by the board shall result in the
2 automatic revocation of the special purpose license to
3 practice dentistry across state lines. An applicant may
4 reapply following automatic revocation for failure to renew.
5 The applicant shall meet the qualifications of subsection (e)
6 in order to be eligible for renewal of the license.

7 "(g) Notwithstanding the provisions of this section,
8 the board shall only issue a special purpose license to
9 practice dentistry across state lines to an applicant whose
10 principal practice location and license to practice are
11 located in a state or territory of the United States whose
12 laws permit or allow for the issuance of a special purpose
13 license to practice dentistry across state lines or similar
14 license to a dentist whose principal practice location and
15 license are located in another state. It is the stated intent
16 of this section that dentists who hold a full and current
17 license in the State of Alabama be afforded the opportunity to
18 obtain, on a reciprocal basis, a license to practice dentistry
19 across state lines in any other state or territory of the
20 United States as a precondition to the issuance of a special
21 purpose license as authorized by this section to a dentist
22 licensed in the other state or territory. The board shall
23 determine which states or territories have reciprocal
24 licensure requirements meeting the qualifications of this
25 section.

1 "(h) Any individual who does not qualify for
 2 licensure pursuant to any of the above subsections but who has
 3 passed an examination approved by the board and possesses a
 4 current license in another state is eligible to apply for
 5 licensure upon payment of a fee. The board shall have
 6 discretion whether to require an examination for any such
 7 individual, including the time, place, type, and content of
 8 any such examination.

9 "(i) A current license shall mean one in good
 10 standing authorizing the individual to practice in the state
 11 of issuance.

12 "§34-9-16.

13 The board shall establish and collect reasonable
 14 fees provided for in this chapter within the ranges set forth
 15 below and without having to engage in the rulemaking process:

16 "Description	Not Less Than	Not More Than
17 Dental Examination Appli-		
18 cation Fee	\$200.00	\$750.00
19 Dental Examination Fee	\$300.00 <u>\$100.00</u>	\$2,500.00
20 Dental Examination Materi-		
21 als Fee	\$200.00	\$500.00
22 Dental Licensure by Cre-		
23 dentials <u>Application</u> Fee	\$0.00 <u>\$100.00</u>	\$4,000.00
24 <u>Dental Licensure by Re-</u>	<u>\$100</u>	<u>\$1,000.00</u>

1	<u>gional Exam Application</u>		
2	<u>Fee</u>		
3	Special Purpose Licensure		
4	Fee	\$200.00	\$750.00
5	Dental Annual Registration		
6	Fee	\$130.00	\$500.00
7	Dental License Reinstatement		
8	Penalty	\$250.00	\$500.00
9	<u>Dental Hygiene Program Ap-</u>		
10	<u>plication Fee</u>	<u>\$50.00</u>	<u>\$500.00</u>
11	Alabama Dental Hygiene		
12	Training Permit Fee	\$0.00	\$450.00
13	Alabama Dental Hygiene		
14	Training Education Fee	\$175.00	\$600.00
15	Alabama Dental Hygiene		
16	Program Instructor Certif-		
17	ication Course Fee	\$75.00	\$200.00
18	Alabama Dental Hygiene		
19	Program Instructional Ma-		
20	terials Fee	\$500.00	\$950.00
21	<u>Dental Hygiene By Regional</u>		
22	<u>Exam Application Fee</u>	<u>\$55.00</u>	<u>\$75.00</u>
23	<u>Dental Hygiene Examination</u>		
24	<u>Application Fee</u>	<u>\$50.00</u>	<u>\$500.00</u>

1	Dental Hygiene Examination		
2	Fee	\$100.00	\$600.00
3	Dental Hygiene Examination		
4	Materials Fee	\$100.00	\$400.00
5	Dental Hygiene Licensure		
6	by Credentials Fee	\$0.00	\$2,000.00
7	Dental Hygiene Annual Reg-		
8	istration Fee	\$55.00	\$75.00
9	Dental Hygiene License Re-		
10	instatement Penalty	\$100.00	\$200.00
11	License Certificate Fee	\$25.00	\$500.00
12	Duplicate License Fee	\$25.00	\$150.00
13	Dental Faculty Teaching		
14	Permit Fee	\$150.00	\$350.00
15	Alabama Controlled Sub-		
16	stance Permit Fee	\$125.00	\$400.00
17	Alabama Controlled Sub-		
18	stance Permit Renewal Fee	\$100.00	\$400.00
19	General Anesthesia Permit		
20	Fee	\$900.00	\$1,500.00
21	General Anesthesia Permit		
22	Renewal Fee	\$200.00	\$750.00
23	Parenteral Sedation Permit		
24	Fee	\$900.00	\$1,500.00

1	Parenteral Sedation Permit		
2	Renewal Fee	\$200.00	\$750.00
3	Oral Conscious Sedation		
4	Permit Fee	\$100.00	\$250.00
5	Oral Conscious Sedation		
6	Permit Renewal Fee	\$50.00	\$250.00
7	<u>Mobile Dental Applica-</u>		
8	<u>tion/Inspection Fee</u>	<u>\$750.00</u>	<u>\$1,500.00</u>
9	<u>Mobile Dental Renewal Fee</u>	<u>\$250.00</u>	<u>\$1,500.00</u>

10 "§34-9-41.

11 "The board shall annually elect from its membership
12 a president, vice-president, and secretary-treasurer and may
13 employ a secretary who is not a member of the board, and it
14 shall not be necessary that the secretary be a dentist. The
15 board shall have a common seal. The board shall hold an annual
16 meeting in Birmingham at the University of Alabama School of
17 Dentistry as soon as practical after the graduation exercises
18 of the dental school for the purpose of examining applicants
19 for a license to practice dentistry and dental hygiene or at
20 such other times and places as the board may designate for the
21 purpose of transacting its business and examinations. ~~Three~~
22 ~~members~~ A majority of the board shall constitute a quorum for
23 the transaction of business at any meeting except that in
24 conducting hearings involving any of the penalties outlined in

1 Section 34-9-18 ~~and examinations of licensure~~, no less than
2 five members of the board shall be present. In conducting
3 hearings involving any of the penalties outlined in Section
4 34-9-18, a majority of the board may appoint any former member
5 of the board who for such purposes shall have all the powers
6 and privileges of such office as a regular board member
7 possesses. In conducting exams, a majority of the board may
8 appoint any former member of the board or such other licensed
9 practicing dentists from a jurisdiction recognized by the
10 board who for such purposes shall have all the powers and
11 privileges of such office as a regular board member possesses.
12 Out of the funds of the board the members thereof shall
13 receive as compensation a sum to be fixed by the board for
14 each day actively engaged in the duties of their office, and
15 in addition board members shall receive the same per diem and
16 travel allowance as is paid by law to state employees for each
17 day actively engaged in the duties of their office. The
18 secretary-treasurer shall receive such compensation as may be
19 fixed by the board, which shall be in addition to his or her
20 per diem and expenses, provided no per diem or expenses shall
21 be allowed unless his or her duties require his or her absence
22 from his or her office. The secretary shall receive such
23 compensation as may be fixed by the board. The
24 secretary-treasurer shall be custodian of all property, money,
25 records and the official seal of the board. All money received
26 by the board under this chapter shall be paid to and received

1 by the secretary-treasurer of the board. The
2 secretary-treasurer shall deposit to the credit of the board
3 all funds paid to the board in a bank selected by its members.
4 The board is authorized to expend such funds as shall be
5 necessary to enforce the provisions of this chapter; to pay
6 salaries, expenses and other costs herein provided; to promote
7 the arts and science of dentistry; and for such other purposes
8 as the board shall consider to be in the best interest of
9 dentistry in this state. All the costs herein provided for
10 shall be paid by checks drawn by the secretary-treasurer and
11 countersigned by the president of the board; except the board
12 may authorize the administrative secretary to sign checks for
13 costs that do not exceed a monetary limit to be set by the
14 board in its rules. Should the property be other than money,
15 the secretary-treasurer shall provide for the safekeeping
16 thereof for the use of the board. All money, including license
17 fees, annual renewal license certificate fees, examination
18 fees and any and all other fees and receipts under the
19 provisions of this chapter, are hereby appropriated to the
20 Board of Dental Examiners to be used as herein provided.

21 "§34-9-42.

22 The secretary-treasurer of the board shall give bond
23 in such sum as may be prescribed by the board, conditioned to
24 faithfully and honestly discharge the duties of said office
25 according to law, which bond shall be made payable to the
26 Board of Dental Examiners of Alabama and held in the custody

1 of the president of said board. The secretary-treasurer of the
2 board shall compile an annual report which shall contain an
3 itemized statement of all money received and disbursed and a
4 summary of the official acts of the board during the preceding
5 year, and said report shall have attached thereto a certified
6 report and audit made by a certified public accountant of the
7 State of Alabama. A copy of said report and audit shall be
8 filed of record in the office of the Department of Finance of
9 the State of Alabama, and a copy shall be retained by the
10 secretary-treasurer to be rendered upon request, to the
11 dentists at large in the State of Alabama. The board may
12 affiliate with the American Association of Dental ~~Examiners~~
13 Boards, may pay dues to the said association and may send all
14 members of the board to the meetings of said association. Such
15 delegates may receive the per diem herein provided for
16 attending such meetings and reimbursement for necessary
17 expenses audited and allowed by the board."

18 Section 2. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Boards and Com-
missions 09-FEB-10

Read for the second time and placed
on the calendar with 1 substitute
and 17-FEB-10

Read for the third time and passed
as amended 11-MAR-10

Yeas 100, Nays 0, Abstains 0

Greg Pappas
Clerk