

1 SB123
2 191457-2
3 By Senator Bussman
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 09-JAN-18

1 SB123

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3
4 ENROLLED, An Act,

5 To amend Sections 34-9-1, 34-9-4, 34-9-6, 34-9-6.1,
6 34-9-7, 34-9-7.1, 34-9-7.2, 34-9-8, 34-9-9, 34-9-10, 34-9-12,
7 34-9-13, 34-9-14, 34-9-15, 34-9-16, 34-9-18, 34-9-19, 34-9-22,
8 34-9-26, 34-9-27, 34-9-28, 34-9-40, 34-9-41, 34-9-43.2,
9 34-9-88, and 34-38-2, Code of Alabama 1975, relating to the
10 regulation of dentists and dental hygienists and the Alabama
11 Dental Professionals Wellness Committee; to discontinue the
12 licensing and regulation of, and remove all references to,
13 expanded duty dental assistants; to define infiltration
14 anesthesia; to define and include patient abandonment as
15 grounds for disciplinary action against a dentist; to expand
16 the exemption of mobile dental facilities subject to
17 registration by the board to any mobile dental facility
18 operated by the Alabama Department of Public Health or a local
19 county health department; to exempt from regulation a dentist
20 who infrequently engages in practice across state lines for
21 less than 10 days a year and to delete the exemption for
22 infrequent practice involving less than 10 patients per
23 calendar year; to authorize the board to approve additional
24 continuing education providers; to expand the time during
25 which an applicant may take the licensure examination to

1 within 18 months after completion of an accredited or approved
2 post-doctoral residency program; to require each dentist and
3 dental hygienist to display his or her license certificate in
4 a visible location; to allow a licensee to reproduce his or
5 her annual registration certificate; to authorize the board to
6 establish rules for continuing education requirements for
7 permits; to increase the dental hygiene by regional exam
8 application fee; to clarify that failure to comply with any
9 order of the board is grounds for disciplinary action; to
10 provide for the roll of the board, in lieu of the American
11 Dental Association, in recognizing and approving specialty
12 status in advertising by dentists; to remove the requirement
13 that board member ballots accompany annual registration forms;
14 to prohibit appointed board members from succeeding
15 themselves; to remove the requirement that the board hold an
16 annual meeting at the University of Alabama School of
17 Dentistry; to authorize the board to hold additional meetings;
18 to require proof of continuing education for the annual
19 renewal of an oral conscious sedation permit; to make
20 technical corrections; and to add Section 34-9-60.1 to the
21 Code of Alabama 1975, to authorize the board, upon proof of
22 qualification, to issue permits to dental hygienists to
23 administer infiltration anesthesia under the direct
24 supervision of a licensed dentist, and require proof of

1 continuing education for the annual renewal of the dental
2 hygiene infiltration anesthesia permit.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 34-9-1, 34-9-4, 34-9-6,
5 34-9-6.1, 34-9-7, 34-9-7.1, 34-9-7.2, 34-9-8, 34-9-9, 34-9-10,
6 34-9-12, 34-9-13, 34-9-14, 34-9-15, 34-9-16, 34-9-18, 34-9-19,
7 34-9-22, 34-9-26, 34-9-27, 34-9-28, 34-9-40, 34-9-41,
8 34-9-43.2, 34-9-88, and 34-38-2 of the Code of Alabama 1975,
9 are amended to read as follows:

10 "§34-9-1.

11 "For the purposes of this chapter, the following
12 terms shall have the respective meanings ascribed by this
13 section:

14 "(1) ANNUAL REGISTRATION. The documentary evidence
15 that the board has renewed the authority of the licensee to
16 practice dentistry or dental hygiene in this state.

17 "(2) BOARD. The Board of Dental Examiners of
18 Alabama.

19 "(3) COMMERCIAL DENTAL LABORATORY. A technician or
20 group of technicians available to any or all licensed dentists
21 for construction or repair of dental appliances.

22 ~~"(4) EXPANDED DUTY DENTAL ASSISTANT. A dental~~
23 ~~assistant who holds a current expanded license certificate~~
24 ~~from the board.~~

1 "~~(5)~~(4) GENERAL ANESTHESIA. A controlled state of
2 unconsciousness, accompanied by a partial or complete loss of
3 protective reflexes, including inability to independently
4 maintain an airway and respond purposefully to physical
5 stimulation or verbal command, produced by a pharmacologic
6 method.

7 "(5) INFILTRATION ANESTHESIA. A form of local
8 anesthesia wherein the terminal or peripheral sensory portion
9 of either the maxillary or mandibular branch of the trigeminal
10 nerve endings are anesthetized by injecting a solution
11 submucosally into an intra-oral circumscribed area for the
12 relief or prevention of pain.

13 "(6) LICENSE. The grant of authority by the board to
14 a person to engage in the practice of dentistry or dental
15 hygiene.

16 "(7) LICENSE CERTIFICATE. The documentary evidence
17 under seal of the board that the board has granted authority
18 to the licensee to practice dentistry or dental hygiene in
19 this state.

20 "(8) LICENSED DENTIST. A dentist who holds a current
21 license certificate from the board.

22 "(9) LICENSED HYGIENIST. A hygienist who holds a
23 current license certificate from the board.

1 "(10) LOCAL ANESTHESIA. The elimination of
2 sensations, especially pain in one part of the body by topical
3 application or regional injection of a drug.

4 "(11) PATIENT ABANDONMENT. The termination of
5 dental treatment without giving the patient adequate notice of
6 at least 15 days before the termination of dental treatment.
7 Adequate notice includes informing the patient of the
8 availability of emergency treatment and providing the patient
9 with an opportunity to obtain the services of another dentist
10 during the notice period. Abandonment may also occur if the
11 dentist jeopardizes the health of the patient during the
12 termination process.

13 "~~(11)~~ (12) PRACTICE OF DENTISTRY ACROSS STATE LINES.

14 "a. The practice of dentistry as defined in Section
15 34-9-6 as it applies to the following:

16 "1. The rendering of a written or otherwise
17 documented professional opinion concerning the diagnosis or
18 treatment of a patient located within this state by a dentist
19 located outside this state as a result of transmission of
20 individual patient data by electronic or other means from
21 within this state to the dentist or his or her agent.

22 "2. The rendering of treatment to a patient located
23 within this state by a dentist located outside this state as a
24 result of transmission of individual patient data by

1 electronic or other means from this state to the dentist or
2 his or her agent.

3 "3. The holding of himself or herself out as
4 qualified to practice dentistry, or use any title, word, or
5 abbreviation to indicate or induce others to believe that he
6 or she is licensed to practice dentistry across state lines.

7 "b. This definition is not intended to include an
8 informal consultation between a licensed dentist located in
9 this state and a dentist located outside this state provided
10 that the consultation is conducted without compensation or the
11 expectation of compensation to either dentist, and does not
12 result in the formal rendering of a written or otherwise
13 documented professional opinion concerning the diagnosis or
14 treatment of a patient by the dentist located outside the
15 state.

16 "~~(12)~~ (13) PRIVATE TECHNICIANS. A technician employed
17 by a dentist or group of dentists for a specified salary.

18 "~~(13)~~ (14) SEDATION. A depressed level of
19 consciousness that retains the patient's ability to
20 independently and continuously maintain an airway and respond
21 appropriately to physical stimulation or verbal command,
22 produced by a pharmacologic method.

23 "§34-9-4.

1 "It shall be unlawful for any person to practice
2 dental hygiene ~~or expanded duty dental assisting~~ in the State
3 of Alabama, except:

4 "(1) Those who are now licensed dental hygienists ~~or~~
5 ~~licensed expanded duty dental assistants~~, pursuant to law; and

6 "(2) Those who may hereafter be duly licensed and
7 who are currently registered as dental hygienists ~~or expanded~~
8 ~~duty dental assistants~~ pursuant to ~~the provisions of this~~
9 chapter.

10 "§34-9-6.

11 "Any person shall be deemed to be practicing
12 dentistry who does any of the following:

13 "(1) Performs, or attempts or professes to perform,
14 any dental operation or dental service of any kind,
15 gratuitously or for a salary, fee, money or other remuneration
16 paid, or to be paid, directly or indirectly, to himself or
17 herself, or to any person in his or her behalf, or to any
18 agency which is a proprietor of a place where dental
19 operations or dental services are performed.

20 "(2) Directly or indirectly, by any means or method,
21 makes impression of the human tooth, teeth, jaws or adjacent
22 tissue, or performs any phase of any operation incident to the
23 replacement of a tooth or any part thereof.

24 "(3) Supplies artificial substitutes for the natural
25 teeth, and who furnishes, supplies, constructs, reproduces, or

1 repairs any prosthesis (fixed or removable), appliance, or any
2 other structure to be worn in the human mouth.

3 "(4) Places such appliance or structure in the human
4 mouth, or adjusts, attempts, or professes to adjust the same,
5 or delivers the same to any person other than the dentist upon
6 whose prescription the work was performed.

7 "(5) Professes to the public by any method to
8 furnish, supply, construct, reproduce, or repair any
9 prosthesis (fixed or removable), appliance, or other structure
10 to be worn in the human mouth, or who diagnoses, or professes
11 to diagnose, prescribe for, professes to prescribe for, treats
12 or professes to treat disease, pain, deformity, deficiency,
13 injury, or physical condition of the human teeth or jaws, or
14 adjacent structure, or who extracts or attempts to extract
15 human teeth, or remove tumors, abnormal growths, or other
16 lesions from the human gums, jaws, and adjacent structures, or
17 who operates for cleft lip or palate, or both; or who treats
18 surgically or mechanically fractures of the human jaw; or who
19 administers local or general anesthetics in the treatment of
20 any dental lesion.

21 "(6) Repairs or fills cavities in the human teeth.

22 "(7) Uses a roentgen, radiograph, or digital imaging
23 machine for the purpose of making dental roentgenograms,
24 radiographs, or digital images, or who gives, or professes to
25 give, interpretations or readings of dental roentgenograms,

1 radiographs, or digital images, or radiographic or roentgen
2 therapy.

3 "(8) Administers an anesthetic of any nature in
4 connection with a dental procedure.

5 "(9) Uses the words "dentist," "dental surgeon,"
6 "oral surgeon," or the letters "D.D.S.," "D.M.D." or any other
7 words, letters, title, or descriptive matter which in any way
8 represents him or her as being able to diagnose, treat,
9 prescribe, or operate for any disease, pain, deformity,
10 deficiency, injury, or physical condition of the teeth or
11 jaws, or adjacent structures.

12 "(10) States, or professes, or permits to be stated
13 or professed by any means or method whatsoever that he or she
14 can perform or will attempt to perform dental procedures, or
15 render a diagnosis connected therewith.

16 "(11) Performs any clinical operation included in
17 the curricula of recognized dental colleges; provided, that
18 members of the faculty, teachers, instructors, fellows,
19 interns, residents, dental students, and student dental
20 hygienists, ~~and student expanded duty dental assistants~~ who
21 are employed by or who are taking courses or instructions at
22 the University of Alabama School of Dentistry or such other
23 dental colleges, hospitals, or institutions in Alabama, as may
24 be approved by the board; and provided, that the work of
25 fellows, interns, residents, dental students, and student

1 dental hygienists is performed within the facilities of such
2 dental colleges, hospitals, and institutions under the
3 supervision of an instructor and as an adjunct to his or her
4 course of study or training, shall not be required to take
5 examination or obtain a license certificate and renewal
6 license certificate when all of such work, dental procedures,
7 and activities are confined to his or her work in the college,
8 hospital, or other institution and the work is done without
9 remuneration other than the regular salary or compensation
10 paid by such colleges, hospitals, or other institutions.

11 "(12) Professes to the public by any method to
12 bleach human teeth, performs bleaching of the human teeth
13 alone or within his or her business, or instructs the public
14 within his or her business, or through any agent or employee
15 of his or her business, in the use of any tooth bleaching
16 product.

17 "§34-9-6.1.

18 "(a) For purposes of this section, the following
19 words have the following meanings:

20 "(1) DENTAL HOME. The dental home is the ongoing
21 relationship between the dentist and the patient, inclusive of
22 all aspects of oral health care, delivered in a comprehensive,
23 continuously accessible, coordinated, and family-centered way.

24 "(2) MOBILE DENTAL FACILITY. Any self-contained
25 facility in which dentistry or dental hygiene is practiced

1 which may be moved, towed, or transported from one location to
2 another.

3 "(3) OPERATOR. A person licensed to practice
4 dentistry in this state or an entity which is approved as tax
5 exempt under Section 501(c)(3) of the Internal Revenue Code
6 which employs dentists licensed in the state to operate a
7 mobile dental facility or portable dental operation.

8 "(4) PORTABLE DENTAL OPERATION. The use of portable
9 dental delivery equipment which is set up on site to provide
10 dental services outside of a mobile dental facility or a
11 dental office and uses non-fixed dental equipment and
12 independent plumbing.

13 "(b) In order to operate a mobile dental facility or
14 portable dental operation, an operator shall first obtain a
15 certificate of registration issued by the board. The operator
16 shall complete an application in the form and manner required
17 by the board and shall meet all qualifications established by
18 rules of the board.

19 "(c) A mobile dental facility shall comply with all
20 of the following requirements:

21 "(1) The operator shall maintain an official
22 business address which shall not be a post office box and
23 which shall be within this state and be associated with an
24 established dental facility which shall have an official
25 business address on record with the board. The address shall

1 be filed with the board as part of the application for a
2 certificate of registration.

3 "(2) The operator shall maintain an official
4 telephone number of record which shall be accessible 24 hours
5 a day and which shall be filed with the board as part of the
6 application for a certificate of registration. The telephone
7 number shall have 911 capability.

8 "(3) The board shall be notified within 30 days of
9 any change in address, location, or telephone number of
10 record. The notification shall also include the method by
11 which patients are notified of the change of address,
12 location, or telephone number of record. For purposes of this
13 subdivision, patient shall mean any individual who has
14 received treatment or consultation of any kind within two
15 years of the date of the proposed change of address, location,
16 or telephone number of record.

17 "(4) All written or printed documents available from
18 or issued by the mobile dental facility shall contain the
19 official business address and telephone number of record for
20 the mobile dental facility.

21 "(5) When not in transit, all dental and official
22 records shall be maintained at the official business address.

23 "(6) The operator shall maintain a written procedure
24 for emergency follow-up care for patients treated in a mobile
25 dental facility, which includes arrangements for treatment in

1 a dental facility that is permanently established in the area
2 within a 50-mile radius where services are provided subject to
3 a qualified dentist being located in the area and subject to
4 the dentist agreeing to provide follow-up care. An operator
5 who either is unable to identify a qualified dentist in the
6 area or is unable to arrange for emergency follow-up care for
7 patients otherwise shall be obligated to provide the necessary
8 follow-up care via the mobile dental facility or the operator
9 may choose to provide the follow-up care at his or her
10 established dental practice location in the state or at any
11 other established dental practice in the state which agrees to
12 accept the patient. An operator who fails to arrange or
13 provide follow-up care as required herein shall be considered
14 to have abandoned the patient, and the operator and any
15 dentist or dental hygienist, or both, who fail to provide the
16 referenced follow-up care shall be subject to disciplinary
17 action by the board.

18 "(7) The mobile dental facility shall have
19 communication abilities that enable the operator to contact
20 necessary parties in the event of a medical or dental
21 emergency. The communication abilities shall enable the
22 patient or the parent or guardian of the patient treated to
23 contact the operator for emergency care, follow-up care, or
24 information about treatment received. The provider who renders

1 follow-up care must also be able to contact the operator and
2 receive treatment information, including radiographs.

3 "(8) The mobile dental facility and the dental
4 procedures performed therein shall comply with all applicable
5 federal and state laws and all applicable rules of the board
6 promulgated pursuant to Section 34-9-43.

7 "(9) Any driver of a mobile dental facility shall
8 possess a valid Alabama driver's license appropriate for the
9 operation of the vehicle. A copy of the driver's license of
10 each driver shall be submitted to the board at least 30 days
11 prior to the individual operating a mobile dental facility.

12 "(10) All mobile dental facilities authorized in
13 this section which are a vehicle or which are to be towed or
14 otherwise transported by another vehicle shall be registered
15 in this state.

16 "(11) The operator of a mobile dental facility shall
17 not perform services on a minor without the signed consent
18 from the parent or guardian which form shall be established by
19 the board. The consent form shall inquire whether the
20 prospective patient has received dental care from a licensed
21 dentist within one year and if so, the consent form shall
22 request the name, address, and phone number of the dental
23 home. If the information provided to the operator does not
24 identify a dental home for the prospective patient, the
25 operator shall contact the Alabama Medicaid Agency for

1 assistance in identifying a dental home for Medicaid eligible
2 patients. If this information is provided to the operator, the
3 operator shall contact the designated dental home by phone,
4 facsimile, or electronic mail and notify the dental home of
5 the prospective patient's interest in receiving dental care
6 from the operator. If the dental home confirms that an
7 appointment for the prospective patient is scheduled with the
8 dentist, the operator shall encourage the prospective patient
9 or his or her guardian to seek care from the dental home. The
10 consent form shall document that the patient, or legal
11 guardian, understands the prospective patient has an option to
12 receive dental care from the mobile dental facility or his or
13 her designated dental home if applicable. The consent form
14 shall require the signature of a parent or legal guardian if
15 the patient is a minor.

16 "(12) Each operator of a mobile dental facility
17 shall maintain a written or electronic record detailing for
18 each location where services are performed all of the
19 following information:

20 "a. The street address of the service location.

21 "b. The dates of each session.

22 "c. The number of patients served.

23 "d. The types of dental services provided and the
24 quantity of each service provided.

1 "e. Any other information requested by rule of the
2 board.

3 "(13) The written or electronic record shall be made
4 available to the board within 10 days of a request.

5 "(14) Each mobile dental facility shall possess all
6 applicable county and city licenses or permits to operate at
7 each location.

8 "(d) The mobile dental facility shall comply with
9 the following physical requirements and inspection criteria:

10 "(1) Ready access in a ramp or lift.

11 "(2) A properly functioning sterilization system.

12 "(3) Ready access to an adequate supply of potable
13 water, including hot water.

14 "(4) A covered galvanized, stainless steel, or other
15 noncorrosive container for deposit of refuse and waste
16 materials.

17 "(5) Ready access to toilet facilities which shall
18 be located within the mobile dental facility. Operators
19 applying for a certificate prior to July 1, 2008, are not
20 required to meet this requirement. Any governmental entity
21 operating a mobile dental facility shall only be required to
22 have ready access to toilet facilities.

23 "(6) All licenses and permits as required by Section
24 34-9-13 on site.

25 "(7) Ready access to an emergency kit.

1 "(8) Sharps containers and red biohazard equipment
2 available on site.

3 "(e) A portable dental operation shall comply with
4 all of the following requirements:

5 "(1) The operator shall maintain an official
6 business address which shall not be a post office box and
7 which shall be within this state and be associated with an
8 established dental facility which shall have an official
9 business address on record with the board. The address shall
10 be filed with the board as part of the application for a
11 certificate of registration.

12 "(2) The operator shall maintain an official
13 telephone number of record which shall be accessible 24 hours
14 a day and which shall be filed with the board as part of the
15 application for a certificate of registration. The telephone
16 number shall have E-911 capability.

17 "(3) The board shall be notified within 30 days of
18 any change in address, location, or telephone number of
19 record. The notification shall also include the method by
20 which patients are notified of the change of address,
21 location, or telephone number of record. For purposes of this
22 subdivision, patient shall mean any individual who has
23 received treatment or consultation of any kind within two
24 years of the date of the proposed change of address, location,
25 or telephone number of record.

1 "(4) All written or printed documents available from
2 or issued by the portable dental operation shall contain the
3 official business address and telephone number of record for
4 the portable dental operation.

5 "(5) When not in transit, all dental and official
6 records shall be maintained at the official business address.

7 "(6) The operator shall maintain a written procedure
8 for emergency follow-up care for patients treated in a
9 portable dental operation, which includes arrangements for
10 treatment in a dental facility that is permanently established
11 in the area within a 50-mile radius where services are
12 provided subject to a qualified dentist being located in the
13 area and subject to the dentist agreeing to provide follow-up
14 care. An operator who either is unable to identify a qualified
15 dentist in the area or is unable to arrange otherwise for
16 emergency follow-up care for patients shall be obligated to
17 provide the necessary follow-up care via the portable dental
18 operation, or the operator may choose to provide the follow-up
19 care at his or her established dental practice location in the
20 state or at any other established dental practice in the state
21 which agrees to accept the patient. An operator who fails to
22 arrange or provide follow-up care as required herein shall be
23 considered to have abandoned the patient, and the operator and
24 any dentist or dental hygienist, or both, who fail to provide

1 the referenced follow-up care shall be subject to disciplinary
2 action by the board.

3 "(7) The portable dental operation shall have
4 communication abilities that enable the operator to contact
5 necessary parties in the event of a medical or dental
6 emergency. The communication abilities shall enable the
7 patient or the parent or guardian of the patient treated to
8 contact the operator for emergency care, follow-up care, or
9 information about treatment received. The provider who renders
10 follow-up care must also be able to contact the operator and
11 receive treatment information, including radiographs.

12 "(8) The portable dental operation and the dental
13 procedures performed therein shall comply with all applicable
14 federal and state laws and all applicable rules of the board
15 promulgated pursuant to Section 34-9-43.

16 "(9) The operator of a portable dental operation may
17 not perform services on a minor without the signed consent
18 from the parent or guardian on a form established by the
19 board. The consent form shall request information as to
20 whether the prospective patient has received dental care from
21 a licensed dentist within one year and, if so, shall request
22 the name, address, and phone number of the dental home. If the
23 information provided to the operator does not identify a
24 dental home for the prospective patient, the operator shall
25 contact the Alabama Medicaid Agency for assistance in

1 identifying a dental home for Medicaid eligible patients. If
2 this information is provided to the operator, the operator
3 shall contact the designated dental home by phone, facsimile,
4 or electronic mail and notify the dental home of the
5 prospective patient's interest in receiving dental care from
6 the operator. If the dental home confirms that an appointment
7 for the prospective patient is scheduled with the dentist, the
8 operator shall encourage the prospective patient or his or her
9 guardian to seek care from the dental home. The consent form
10 shall document that the patient, or legal guardian,
11 understands the prospective patient has an option to receive
12 dental care from either the portable dental operation or his
13 or her designated dental home, if applicable. The consent form
14 shall require the signature of a parent or legal guardian if
15 the patient is a minor.

16 "(10) Each operator of a portable dental operation
17 shall maintain a written or electronic record detailing for
18 each location where services are performed all of the
19 following information:

20 "a. The street address of the service location.

21 "b. The dates of each session.

22 "c. The number of patients served.

23 "d. The types of dental services provided and the
24 quantity of each service provided.

1 "e. Any other information requested by rule of the
2 board.

3 "(11) The written or electronic record shall be made
4 available to the board within 10 days of a request.

5 "(12) Each portable dental operation shall possess
6 all applicable county and city licenses or permits to operate
7 at each location.

8 "(f) The portable dental operation shall comply with
9 all physical requirements and inspection criteria established
10 by rule of the board and shall comply with the license and
11 permit requirements of Section 34-9-13.

12 "(g) The mobile dental facility or a portable dental
13 operation shall be inspected by the board or its
14 representative prior to receiving a certificate of
15 registration. Once registered, the mobile dental facility or a
16 portable dental operation shall be subject to periodic
17 unannounced audits and inspections by the board.

18 "(h) The mobile dental facility or a portable dental
19 operation shall comply with the current recommendations for
20 infection control practices for dentistry as promulgated by
21 the Centers for Disease Control and any rule of the board
22 relating to infection control or reporting in a dental office.

23 "(i) The initial application for a certificate of
24 registration shall include the full name, address, and
25 telephone number of the dentists and dental hygienists working

1 at the facility or operation. The initial application for a
2 certificate of registration shall also include proof of
3 insurance from a licensed insurance carrier that the operator
4 has in force at least one million dollars (\$1,000,000) of
5 general liability insurance. The operator shall be required to
6 maintain one million dollars (\$1,000,000) of general liability
7 insurance at all times for which the mobile dental facility or
8 portable dental operation is licensed by the Board of Dental
9 Examiners. Governmental entities which operate mobile dental
10 facilities or portable dental operations shall not be required
11 to have or maintain any amount of general liability insurance.
12 The operator shall advise the board in writing within 15 days
13 of any change in the employment of any dentist or dental
14 hygienist working at the facility or operation.

15 "(j) The operator shall notify the board in writing
16 within 10 days of any change made relating to a dentist to
17 whom patients are to be referred for follow-up care as
18 provided in subdivision (6) of subsection (c).

19 "(k) The operator shall notify the board in writing
20 within 10 days of any change in the procedure for emergency
21 follow-up care as provided in subdivision (6) of subsection
22 (c).

23 "(l) At the conclusion of each patient's visit to
24 the mobile dental facility or a portable dental operation, the
25 patient shall be provided with a patient information sheet

1 which shall also be provided to any individual or entity to
2 whom the patient has consented or authorized to receive or
3 access the patient's records. The information sheet shall
4 include at a minimum the following information:

5 "(1) The name of the dentist or dental hygienist, or
6 both, who performed the services.

7 "(2) A description of the treatment rendered,
8 including billing service codes and fees associated with
9 treatment and tooth numbers when appropriate.

10 "(3) If applicable, the name, address, and telephone
11 number of any dentist to whom the patient was referred for
12 follow-up care and the reason for such referral.

13 "(4) The name, address, and telephone number, if
14 applicable, of a parent or guardian of the patient.

15 "(m) In the event a mobile dental facility or a
16 portable dental operation is to be sold, the current operator
17 shall inform the board and the Alabama Medicaid Agency, if the
18 operator is an Alabama Medicaid enrolled provider, at least 10
19 days prior to the sale being completed and shall be required
20 to disclose the purchaser to the board and the Alabama
21 Medicaid Agency, if the operator is an Alabama Medicaid
22 enrolled provider, via certified mail within 10 days after the
23 date the sale is finalized. The operator of a mobile dental
24 facility or a portable dental operation shall notify the board
25 and the Alabama Medicaid Agency, if the operator is an Alabama

1 Medicaid enrolled provider, at least 30 days prior to
2 cessation of operation. Such notification shall include the
3 final day of operation and a copy of the notification shall be
4 sent to all patients and shall include the manner and
5 procedure by which patients may obtain their records or
6 transfer those records to another dentist. It is the
7 responsibility of the operator to take all necessary action to
8 insure that the patient records are available to the patient,
9 a duly authorized representative of the patient, or a
10 subsequent treating dentist. For purposes of this subsection,
11 a patient shall mean any individual who has received any
12 treatment or consultation of any kind within two years of the
13 last date of operation of the mobile dental facility or a
14 portable dental operation.

15 "(n) A mobile dental facility or a portable dental
16 operation that accepts or treats a patient but does not refer
17 patients for follow-up care when such follow-up care is
18 clearly necessary, shall be considered to have abandoned the
19 patient and will subject the operator and any dentist or
20 dental hygienist, or both, who fails to provide the referenced
21 follow-up care to disciplinary action by the board.

22 "(o) In addition to the requirements of this
23 section, any operator, dentist, or dental hygienist working or
24 performing any services at a mobile dental facility or a
25 portable dental operation shall be subject to the provisions

1 of this chapter. Any violation of the provisions of this
2 section shall subject the operator, dentist, or dental
3 hygienist to the penalties provided in Section 34-9-18, and no
4 order imposing penalties pursuant to Section 34-9-18 shall be
5 made or entered except after notice and hearing by the board
6 with any such order being subject to judicial review.

7 "(p) The board may promulgate rules to implement and
8 enforce this section.

9 "(q) A mobile dental facility or portable dental
10 operation shall conform to all requirements of this chapter,
11 rules promulgated by the board pursuant to this chapter, any
12 rule or regulation promulgated by the Occupational Safety and
13 Health Administration, the federal Centers for Disease Control
14 and Prevention, and the Alabama Department of Public Health,
15 and any applicable federal, state, or local law, regulation,
16 guideline, or ordinance including, but not limited to, those
17 relating to radiographic equipment, flammability,
18 construction, sanitation, medical waste transportation,
19 zoning, prevention of infection and disease, facility
20 operation, and licenses or permits to operate.

21 "(r) This section shall not apply to any ~~existing~~
22 ~~Jefferson County Department of Health mobile dental facilities~~
23 ~~that have been in service providing dental care within~~
24 ~~Jefferson County prior to December 31, 2007~~ mobile dental

1 facility operated by the Alabama Department of Public Health
2 or a local county health department.

3 "(s) This section shall not apply to any mobile
4 dental facility or portable dental operation which is operated
5 during a state of emergency declared by the Governor as
6 authorized in Section 31-9-8.

7 "(t) It is the express intent of the Legislature
8 that no state agency, including, but not limited to, the
9 Alabama Medicaid Agency, shall restrict any mobile dental
10 facility or portable dental operation which complies with the
11 provisions outlined herein and all applicable state and
12 federal rules from participation in its programs.

13 "(u) Notwithstanding any other provision of law, any
14 entity which is approved as tax exempt under Section 501(c)(3)
15 of the Internal Revenue Code and employs dentists licensed in
16 this state shall continue to be able to employ dentists
17 licensed in this state and to provide dental services in the
18 same manner and under the same conditions as licensed on June
19 7, 2008.

20 "§34-9-7.

21 "Nothing in this chapter shall apply to the
22 following practices, acts, and operations:

23 "(1) The practice of his or her profession by a
24 physician or surgeon holding a certificate of qualification as
25 a medical doctor and licensed as such under the laws of this

1 state, provided he or she shall not practice dentistry as a
2 specialty.

3 "(2) The practice of dentistry in the discharge of
4 their official duties by graduate dentists or dental surgeons
5 in the United States Army, Navy, Air Force, or other armed
6 services, public health service including, but not limited to,
7 a federally qualified health center authorized and operating
8 under Section 330 of the Public Health Service Act (42 U.S.C.
9 § 254B), provided, however, that such federally qualified
10 health centers shall register pursuant to Section 34-9-7.2
11 (provided further however, dentists, dental hygienists, and
12 other personnel employed by any public health service which
13 performs dental health care for the general public under
14 programs funded in whole or part by the state or federal
15 government shall be subject to all of the provisions of this
16 chapter and the rules and regulations duly promulgated by the
17 board governing the practice of dentistry and dental hygiene
18 in this state), Coast Guard, or Veteran's Administration.

19 "(3) The practice of dentistry by a licensed dentist
20 of other states or countries at meetings of the Alabama Dental
21 Association or components thereof, or other like dental
22 organizations approved by the board, while appearing as
23 clinicians, or when appearing in emergency cases upon the
24 specific call of dentists duly licensed under this chapter.

1 "(4) The filling of prescriptions of a licensed and
2 registered dentist, as hereinafter provided, by any person or
3 persons, association, corporation, or other entity for the
4 construction, reproduction, or repair of prostheses (fixed or
5 removable) or appliances on a cast made by or from impressions
6 made by a licensed and currently registered dentist, to be
7 used or worn as a substitute for natural teeth; provided, that
8 the person or persons, association, corporation, or other
9 entity, shall not solicit or advertise, directly or
10 indirectly, by mail, card, newspaper, pamphlet, radio,
11 television, Internet, or otherwise, to the general public to
12 construct, reproduce, or repair prostheses (fixed or
13 removable) or other appliances to be used or worn as
14 substitutes for natural teeth.

15 "(5) The use of roentgen machines or other means for
16 making radiographs, digital images, or similar records, of
17 dental or oral tissues under the supervision of a licensed
18 dentist or physician; provided, that the services shall not be
19 advertised by any name whatever as an aid or inducement to
20 secure dental patronage, and no person shall advertise that he
21 or she has, leases, owns, or operates a roentgen or other
22 machine for the purpose of making dental radiographs or
23 images, of the human teeth or tissues or the oral cavity, or
24 administering treatments thereto for any disease thereof.

1 "(6) The giving of a general anesthetic by a nurse
2 anesthesiologist who administers a general anesthetic under the
3 direct supervision of a duly licensed dentist to a patient who
4 is undergoing dental treatment rendered by the dentist.

5 "(7) The use of a nurse in the practice of
6 professional or practical nursing, as defined in Sections
7 34-21-1 through 34-21-26, by a dentist.

8 "(8) A dentist who engages in the practice of
9 dentistry across state lines in an emergency, as defined by
10 the board.

11 "(9) A dentist who engages in the practice of
12 dentistry across state lines on an irregular or infrequent
13 basis. The "irregular or infrequent" practice of dentistry
14 across state lines is considered to occur if the practice
15 occurs less than 10 ~~times~~ days in a calendar year ~~or involves~~
16 ~~fewer than 10 patients in a calendar year, or the practice~~
17 ~~comprises less than one percent of the diagnostic or~~
18 ~~therapeutic practice of the dentist.~~

19 "(10) A dentist, or dental hygienist, ~~or expanded~~
20 ~~duty dental assistant~~ on active duty, or performing his or her
21 duties as a reservist in the military, is not subject to any
22 fee required for a special purpose license to practice
23 dentistry across state lines. The dentist, or dental
24 hygienist, ~~or expanded duty dental assistant~~ shall notify the
25 board in advance of his or her participation in military

1 activities and shall forward a copy of his or her current
2 dental license or permit, or both, to the board. The dentist,
3 or dental hygienist, ~~or expanded duty dental assistant~~ shall
4 also provide proof of military status and any orders requiring
5 him or her to perform dental treatment services in this state.

6 "§34-9-7.1.

7 "The practice of dentistry by a dentist licensed in
8 another state as a part of participation in a continuing
9 education course conducted, taught, or supervised by the
10 University of Alabama School of Dentistry or any other ~~dental~~
11 ~~college, hospital, or institution~~ continuing education
12 provider in Alabama which is approved by the board is exempt
13 from the licensing requirements of this chapter.

14 "§34-9-7.2.

15 "A 501(c)(3) entity, as defined under Section
16 501(c)(3) of the Internal Revenue Code, that operates a dental
17 clinic that provides dental services shall register with the
18 board. The information provided to the board as a part of the
19 registration process shall include the name of the
20 corporation, the nonprofit status of the corporation, sites
21 where dental services shall be provided by the corporation,
22 and the names of all persons employed by, or contracting with,
23 the corporation who are required to hold a license pursuant to
24 this chapter. A copy of the entity's 501(c)(3) certification
25 from the Internal Revenue Service shall be filed with the

1 board. If the entity has multiple clinics, the entity shall
2 register each clinic with the board and the entity shall have
3 one licensed dentist serving as chief of dental services for
4 all of the clinics. All dentists, and hygienists, ~~and expanded~~
5 ~~duty dental assistants~~ at each clinic shall possess the
6 applicable licenses or permits required by this chapter and
7 shall be subject to this chapter.

8 "§34-9-8.

9 "(a) The board shall annually issue dental faculty
10 teaching permits to persons who are bona fide members of the
11 faculty of a dental college, if they hold a dental degree but
12 are not licensed and registered to practice dentistry, or
13 ~~dental hygiene, or expanded duty dental assisting~~ in the
14 state. The dean of any dental college located in the state
15 shall annually certify to the board the bona fide members of
16 the clinical faculty of the college who are not licensed and
17 registered to practice dentistry or dental hygiene in the
18 state. The board shall issue teaching permits to applicants
19 upon the certification by the dean. The teaching permits shall
20 be invalid if the holder ceases to be a member of the clinical
21 faculty of the dental college. The dean of any dental college
22 shall promptly notify the board regarding changes in the
23 faculty which affect the eligibility of a faculty member to
24 possess a teaching permit. The holder of a teaching permit
25 shall be subject to this chapter and may perform all clinical

1 operations which a person licensed to practice dentistry, or
2 dental hygiene, ~~or expanded duty dental assisting~~ in the state
3 is entitled to perform. The operations may only be performed
4 within the facilities of the dental college or any other
5 facility approved by the board as an adjunct to his or her
6 teaching functions in the college. An annual fee established
7 pursuant to this chapter shall be paid to the board when the
8 teaching permit is issued.

9 "(b) The board shall annually issue dental faculty
10 special teaching permits to persons who are bona fide members
11 of the faculty of a dental college if they hold a dental
12 degree but are not licensed and registered to practice
13 dentistry, or dental hygiene, ~~or expanded duty dental~~
14 ~~assisting~~ in the state. The dean of any dental college located
15 in the state shall annually certify to the board the bona fide
16 members of the clinical faculty of the college who are not
17 licensed and registered to practice dentistry, or dental
18 hygiene, ~~or expanded duty dental assisting~~ in the state. The
19 board shall issue special teaching permits to applicants upon
20 certification by the dean. The special teaching permits shall
21 be invalid if the holder ceases to be a member of the clinical
22 faculty of the dental college. The dean of any dental college
23 shall promptly notify the board regarding changes in the
24 faculty which affect the eligibility of a faculty member to
25 possess a special teaching permit. The holder of a special

1 teaching permit shall be subject to this chapter and may
2 perform all clinical operations on his or her private patients
3 which a person licensed to practice dentistry or dental
4 hygiene in the state is entitled to perform. The clinical
5 operations may only be performed within the faculty private
6 practice facilities of the dental college or any other
7 facility approved by the board. An annual fee established
8 pursuant to this chapter shall be paid to the board when the
9 special teaching permit is issued.

10 "§34-9-9.

11 "(a) No person other than a dentist licensed
12 pursuant to this chapter or a 501(c)(3) entity registered
13 under Section 34-9-7.2 may do any of the following:

14 "(1) Employ a dentist, or dental hygienist, ~~or~~
15 ~~expanded duty dental assistant~~ in the operation of a dental
16 office.

17 "(2) Place in the possession of a dentist, dental
18 hygienist, ~~expanded duty dental assistant~~, or other agent such
19 dental material or equipment as may be necessary for the
20 management of a dental office on the basis of a lease or any
21 other agreement for compensation for the use of such material,
22 equipment, or offices.

23 "(3) Retain the ownership or control of dental
24 equipment, material, or office and make the same available in

1 any manner for the use of a dentist, dental hygienist,
2 ~~expanded duty dental assistant,~~ or other agent.

3 "(4) The term "person," as used in this section,
4 shall not in any way pertain to state, county, municipal, or
5 city institutions but shall be deemed to include any
6 individual, firm, partnership, corporation, or other entity
7 not licensed to practice dentistry in the State of Alabama.

8 "(5) Nothing in this subsection shall apply to bona
9 fide sales of dental equipment, material, or office secured by
10 a chattel mortgage or retention title agreement, or to an
11 agreement for the rental of the equipment or office by bona
12 fide lease at a reasonable amount, and under which agreement
13 the licensee under this chapter maintains complete care,
14 custody, and control of the equipment and the practice.
15 Further, nothing in this subsection shall prohibit or restrict
16 persons, firms, or corporations from employing or retaining
17 licensed dentists to furnish dental treatment for their
18 employees or dependents of their employees.

19 "(b) A prohibited business arrangement or
20 relationship as defined in subsection (a) shall not be
21 considered a violation of that subsection if a prohibited
22 arrangement or relationship results from the death of a
23 licensed dentist and is cured within 12 months of the date of
24 the death.

1 "(c) The purpose of this section is to prevent a
2 non-dentist from influencing or otherwise interfering with the
3 exercise of a dentist's independent professional judgment. In
4 addition to the acts specified in subsection (a), no person,
5 other than a dentist licensed in accordance with this chapter,
6 shall enter into a relationship with a person licensed under
7 this chapter pursuant to which the unlicensed person exercises
8 control over the selection of a course of treatment for a
9 patient, the procedures or materials to be used as a part of
10 such course of treatment, or the manner in which such course
11 of treatment is carried out by the licensee.

12 "(d) No person other than a dentist licensed
13 pursuant to this chapter or a 501(c)(3) entity registered
14 under Section 34-9-7.2 shall exercise control over any of the
15 following:

16 "(1) The patient records of a dentist.

17 "(2) Policies and decisions relating to pricing,
18 credit, refunds, warranties, and advertising.

19 "(3) Decisions relating to office personnel and
20 hours of practice.

21 "(e) Any licensed or permitted dentist, or dental
22 hygienist, ~~or expanded duty dental assistant~~ who enters into
23 any of the arrangements or relationships in violation of
24 subsection (a) or subsection (c) with an unlicensed person as

1 defined above, may be subject to any of the penalties set
2 forth in Section 34-9-18.

3 "§34-9-10.

4 "(a) Every person who desires to practice dentistry
5 within the State of Alabama shall file an application
6 prescribed by the board. Notwithstanding the method of
7 obtaining licensure or any particular requirement set forth
8 herein, every person as a prerequisite to licensure shall be
9 at least 19 years of age, of good moral character, a citizen
10 of the United States or, if not a citizen of the United
11 States, a person who is legally present in the United States
12 with appropriate documentation from the federal government, a
13 graduate of a dental school or college accredited by the
14 American Dental Association Commission on Dental Accreditation
15 and approved by the board and shall satisfy any other
16 requirement set forth in any rule adopted by the board.

17 "(b) Licensure by examination shall be applicable to
18 the following categories:

19 "(1) Those individuals who have never been licensed
20 or taken an examination and whose application to take an
21 examination administered or approved by the board is received
22 by the board within 18 months of graduation from dental school
23 or completion of an accredited or approved post-doctoral
24 residency program.

1 "(2) Those individuals who have successfully passed
2 an examination approved but not administered by the board so
3 long as an application for licensure is received by the board
4 within five years of the date of notification of passing such
5 examination. All applicants shall pay a fee which shall
6 accompany the application.

7 "(c) Any individual who possesses a current license
8 in any state, who has passed an examination approved by the
9 board and who has, since graduation from dental or dental
10 hygiene school, practiced or participated in a clinical
11 residency or practiced dentistry or dental hygiene in the
12 Armed Forces or with the public health service shall be
13 eligible for licensure if an application is received by the
14 board within five years of the completion of the subject
15 residency or Armed Forces or public health service commitment.
16 All the above applicants shall pay a fee which shall accompany
17 the application.

18 "(d) Licensure by credentials may be utilized to
19 evaluate the theoretical knowledge and clinical skill of a
20 dentist, or dental hygienist, ~~or expanded duty dental~~
21 ~~assistant~~ when an applicant for licensure by credentials holds
22 a dental, or dental hygiene, ~~or expanded duty dental assisting~~
23 license in another state. The board may promulgate rules and
24 regulations relating to licensure by credentials in addition

1 to any requirements by law. An applicant for licensure by
2 credentials shall satisfy all of the following:

3 "(1) The dentist, or dental hygienist, ~~or expanded~~
4 ~~duty dental assistant~~ shall have been engaged in the active
5 practice of clinical dentistry, or clinical dental hygiene, ~~or~~
6 ~~clinical expanded duty dental assisting~~ or in full-time
7 dental, or dental hygiene, ~~or clinical expanded duty dental~~
8 ~~assisting~~ education for the five years or 5,000 hours
9 immediately preceding his or her application.

10 "(2) The applicant shall hold a current, valid,
11 unrevoked, and unexpired license in a state having examination
12 standards regarded by the board as an equivalent to the
13 Alabama standards.

14 "(3) The board of examiners in the state of current
15 practice shall verify or endorse that the applicant's license
16 is in good standing without any restrictions.

17 "(4) The dentist, or dental hygienist, ~~or expanded~~
18 ~~duty dental assistant~~ shall not be the subject of a pending
19 disciplinary action in any state in which the individual has
20 been licensed which shall be verified by a query to the
21 National Practitioner Data Bank, the Health Integrity
22 Protection Data Bank, the American Association of Dental
23 Boards Clearing House for Disciplinary Information, or any
24 other pertinent bank currently existing or which may exist in
25 the future.

1 "(5) The applicant shall provide a written statement
2 agreeing to be interviewed at the request of the board.

3 "(6) The individual shall successfully pass a
4 written jurisprudence examination.

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

11 "(8) The dentist applicant shall submit affidavits
12 from two licensed dentists practicing in the same geographical
13 area where the applicant is then practicing or teaching
14 attesting to the moral character, standing, and ability of the
15 applicant. The dental hygiene applicant shall submit
16 affidavits from two licensed dentists or two licensed dental
17 hygienists, or any combination of two thereof, practicing in
18 the same geographical area where the applicant is then
19 practicing or teaching attesting to the moral character,
20 standing, and ability of the applicant. ~~The expanded duty
21 dental assistant applicant shall submit affidavits from two
22 licensed dentists, two licensed dental hygienists, or two
23 licensed expanded duty dental assistants, or any combination
24 of two thereof, practicing in the same geographical area where~~

1 ~~the applicant is then practicing or teaching attesting to the~~
2 ~~moral character, standing, and ability of the applicant.~~

3 "(9) The applicant shall provide the board with an
4 official transcript with school seal from the school of
5 dentistry, or school of dental hygiene, ~~or expanded duty~~
6 ~~dental assisting~~ which issued the applicant's professional
7 degree or execute a request and authorization allowing the
8 board to obtain the transcript.

9 "(10) The applicant shall be a graduate of a dental,
10 or dental hygiene, ~~or expanded duty dental assisting~~ school,
11 college, or educational program approved by the board.

12 "(11) The applicant shall not be the subject of any
13 pending or final action from any hospital revoking,
14 suspending, limiting, modifying, or interfering with any
15 clinical or staff privileges.

16 "(12) The applicant shall not have been convicted of
17 a felony or misdemeanor involving moral turpitude or of any
18 law dealing with the administering or dispensing of legend
19 drugs, including controlled substances.

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

22 "a. Questioning under oath.

23 "b. Results of peer review reports from constituent
24 dental societies or federal dental services.

25 "c. Substance abuse testing or treatment.

1 "d. Background checks for criminal or fraudulent
2 activities.

3 "e. Participation in continuing education.

4 "f. A current certificate in cardiopulmonary
5 resuscitation.

6 "g. Recent case reports or oral defense of diagnosis
7 and treatment plans.

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

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

13 "j. Proof of professional liability coverage and
14 that coverage has not been refused, declined, cancelled,
15 nonrenewed, or modified.

16 "k. Whether the applicant has been subject to any
17 final disciplinary action in any state in which the individual
18 has been licensed which shall be verified by a query in the
19 National Practitioner Data Bank, the Health Integrity
20 Protection Data Bank, the American Association of Dental
21 Boards Clearing House for Disciplinary Information, any state
22 where the applicant has been licensed, or any other pertinent
23 bank currently existing or which may exist in the future.

24 "l. Whether the applicant's DEA registration or any
25 state controlled substances permit has ever been revoked,

1 suspended, modified, restricted, or limited in any way.
2 Provided, however, that any discipline that results only from
3 a failure to timely renew a registration or permit shall not
4 prevent an applicant from being eligible for this method of
5 licensure.

6 "(14) If all criteria and requirements are satisfied
7 and the board determines, after notice and hearing, that the
8 individual committed fraud or in any way falsified any
9 information in the application process, the license may be
10 revoked by the board.

11 "(15) In addition to the requirements for applicants
12 seeking licensure by credentials, an applicant desiring to
13 practice a specialty only shall satisfy the following
14 requirements:

15 "a. The specialty shall be one in a branch of
16 dentistry approved by the ~~American Dental Association~~ board.

17 "b. The applicant shall satisfy the existing
18 educational requirements and standards set forth by the
19 ~~American Dental Association~~ board for that approved specialty.

20 "c. An applicant who chooses to announce or practice
21 a specialty shall limit his or her practice exclusively to the
22 announced special area or areas of dental practice.

23 "d. If an applicant who is initially licensed by
24 credentials for a specialty practice decides to renounce his
25 or her specialty and practice general dentistry, and the

1 license originally issued did not require a general dental
2 license but rather a specialty license, or the applicant
3 originally passed only a specialty examination, the applicant
4 may not practice general dentistry until he or she
5 successfully passes the board's regular general dentistry
6 examination. However, if the applicant has passed a general
7 dentistry examination or has a general dentistry license, was
8 practicing a specialty, and decides not to continue that
9 specialty and practice only general dentistry, the applicant
10 is eligible for licensure by credentials as a general dentist.

11 "(e) Notwithstanding the provisions of subsection
12 (a), the board shall issue a special purpose license to
13 practice dentistry across state lines to an applicant who has
14 met the following requirements:

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

19 "(2) The applicant has not had any disciplinary
20 action or other action taken against him or her by any state
21 or licensing jurisdiction. If there has been previous
22 disciplinary or other action taken against the applicant, the
23 board may issue a certificate of qualification if it finds
24 that the previous disciplinary or other action indicates that
25 the dentist is not a potential threat to the public.

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

6 "(f) A special purpose license issued by the board
7 to practice dentistry across state lines limits the licensee
8 solely to the practice of dentistry across state lines. The
9 special purpose license shall be valid for a period of up to
10 three years, shall expire on a renewal date determined by the
11 board, and may be renewed upon receipt of a renewal fee as
12 established by the board. Failure to renew a license according
13 to the renewal schedule established by the board shall cause
14 the special purpose license to be inactive. An applicant may
15 reapply for a special purpose license to practice dentistry
16 across state lines following placement of the license on
17 inactive status. The applicant shall meet the qualifications
18 of subsection (e) in order to be eligible for renewal of the
19 license.

20 "(g) Notwithstanding the provisions of this section,
21 the board shall only issue a special purpose license to
22 practice dentistry across state lines to an applicant whose
23 principal practice location and license to practice are
24 located in a state or territory of the United States whose
25 laws permit or allow for the issuance of a special purpose

1 license to practice dentistry across state lines or similar
2 license to a dentist whose principal practice location and
3 license are located in another state. It is the stated intent
4 of this section that dentists who hold a full and current
5 license in the State of Alabama be afforded the opportunity to
6 obtain, on a reciprocal basis, a license to practice dentistry
7 across state lines in any other state or territory of the
8 United States as a precondition to the issuance of a special
9 purpose license as authorized by this section to a dentist
10 licensed in the other state or territory. The board shall
11 determine which states or territories have reciprocal
12 licensure requirements meeting the qualifications of this
13 section.

14 "(h) Any individual who does not qualify for
15 licensure pursuant to any of the above subsections but who has
16 passed an examination approved by the board and possesses a
17 current license in another state is eligible to apply for
18 licensure upon payment of a fee. The board shall have
19 discretion whether to require an examination for any such
20 individual, including the time, place, type, and content of
21 any such examination.

22 "(i) A current license shall mean one in good
23 standing authorizing the individual to practice in the state
24 of issuance.

25 "§34-9-12.

1 "(a) Every person granted a license to practice
2 dentistry, or dental hygiene, ~~or expanded duty dental~~
3 ~~assisting~~ in this state by the board, as herein provided,
4 shall cause his or her license certificate to be recorded in
5 the office of the judge of probate of the county in which he
6 or she desires to practice before beginning the practice of
7 dentistry, or dental hygiene, ~~or expanded duty dental~~
8 ~~assisting~~ in the county. Any person receiving a license from
9 the board, whether or not intending to immediately engage in
10 the practice of dentistry, or dental hygiene, ~~or expanded duty~~
11 ~~dental assisting~~ in this state, shall cause his or her license
12 certificate to be recorded in the office of the judge of
13 probate in one of the counties of this state within 60 days of
14 the issuance of the license certificate.

15 "(b) Every person issued a special purpose license
16 to practice dentistry across state lines shall be subject to
17 the jurisdiction of the board, and all rules and regulations
18 of the board, including all matters relating to discipline. It
19 shall be the affirmative duty of every special purpose
20 licensee to report to the board in writing within 15 days of
21 the initiation of any disciplinary action against the licensee
22 to practice dentistry by any state or territory in which the
23 licensee is licensed. In addition, the licensee agrees, by
24 acceptance of the license, to produce any patient records or
25 materials as requested by the board or to appear before the

1 board or any of its committees following receipt of a written
2 notice issued by the board. The notice may be issued by the
3 board. The failure of a special purpose licensee to report,
4 produce records, or appear as set forth above shall subject
5 the licensee to the disciplinary penalties as set forth in
6 Section 34-9-5.

7 "(c) Every person issued a special purpose license
8 to practice dentistry across state lines shall comply with all
9 laws, rules, and regulations governing the maintenance of
10 patient records, including patient confidentially
11 requirements, regardless of the state where the records of any
12 patient within this state are maintained.

13 "§34-9-13.

14 "Every practitioner of dentistry, and dental
15 hygiene, and expanded duty dental assisting within the
16 meaning of this chapter shall have in his or her possession
17 and posted in a visible location a license certificate and an
18 annual registration certificate in the office wherein he or
19 she practices. A licensed practitioner who practices in more
20 than one location may reproduce the annual registration
21 certificate as needed; however, the practitioner may not
22 reproduce the license certificate. Copies of the license
23 certificate may be requested by the practitioner from the
24 board as necessary.

25 "§34-9-14.

1 "Every licensed dentist, and dental hygienist, ~~and~~
2 ~~expanded duty dental assistant~~ upon changing his or her place
3 of practice, whether from one building, city, street address,
4 or county to another, shall within 30 days thereafter furnish
5 the secretary-treasurer of the board with the new address. The
6 secretary-treasurer shall acknowledge receipt of change of
7 address within 30 days.

8 "§34-9-15.

9 "(a) No person shall practice dentistry, or dental
10 hygiene, ~~or expanded duty dental assisting~~ in the State of
11 Alabama unless licensed or permitted by the board and
12 registered annually as required by this chapter. The
13 secretary-treasurer of the board shall issue to each licensee
14 an initial registration form which shall contain space for the
15 insertion of name, address, date, and number of license
16 certificate, and other information as the board shall deem
17 necessary. The licensee shall sign and verify the accuracy of
18 the registration before a notary public after which he or she
19 shall forward the registration to the secretary-treasurer of
20 the board together with a fee. Each subsequent registration
21 shall be made in electronic format or by United States mail
22 upon a form to be determined by the board. On or before
23 October 1 of each year, every dentist, and dental hygienist,
24 ~~and expanded duty dental assistant~~ licensed or permitted to
25 practice dentistry, or dental hygiene, ~~or expanded duty dental~~

1 ~~assisting~~ in the state shall transmit either online or by
2 United States mail to the secretary-treasurer of the board the
3 completed form prescribed by the board, together with a fee
4 established by the board pursuant to this chapter, and receive
5 thereafter the current annual registration certificate
6 authorizing him or her to continue the practice of dentistry,
7 or dental hygiene, ~~or expanded duty dental assisting~~ in the
8 state for a period of one year. Any license or permit
9 previously granted under the authority of this chapter or any
10 prior dental practice act shall automatically be suspended if
11 the holder thereof fails to secure the annual registration
12 certificate before January 1, each year. Any dentist, or
13 dental hygienist, ~~or expanded duty dental assistant~~ whose
14 license or permit is automatically suspended by reason of
15 failure, neglect, or refusal to secure the annual registration
16 certificate shall be reinstated by the board upon payment of
17 the penalty fee plus all accrued annual registration fees up
18 to a maximum of five years, accompanied with the prescribed
19 form for annual registration of the license or permit. Upon
20 failure of any licensee or permittee to file application for
21 the annual registration certificate and pay the annual
22 registration fee on or before November 30, each year, the
23 board shall notify the licensee or permittee by mail addressed
24 to the last address of record that the application and fee
25 have not been received and that, unless the application and

1 fee are received on or before the first day of January, the
2 license or permit shall be automatically suspended. The board
3 shall notify the licensee or permittee by mail addressed to
4 the last address of record of the effective date of the
5 automatic suspension and the provisions for registration of
6 the license or permit. The board shall waive the annual
7 payment of fees herein provided for and issue a current annual
8 registration certificate to any licensee or permittee who,
9 because of age or physical disability, has retired from the
10 practice of dentistry, or dental hygiene, ~~or expanded duty~~
11 ~~dental assisting~~ or who is suffering a malady of a lingering
12 or permanent nature. The board by rule shall waive annual
13 registration and the payment of fees while any licensee is on
14 temporary active duty with any of the Armed Forces of the
15 United States. The waiver of fees herein provided shall be
16 effective so long as the retirement because of age or physical
17 disability or temporary active duty continues.

18 "(b) The board shall adopt and promulgate rules and
19 regulations for the adoption of a program of continuing
20 education for its licensees by October 1, 1991. After that
21 date, the successful completion of continuing education
22 program requirements shall be a requisite for renewal of
23 licenses and permits issued pursuant to this chapter.

24 "§34-9-16.

1 "The board shall establish and collect reasonable
 2 fees provided for in this chapter within the ranges set forth
 3 below and without having to engage in the rulemaking process:

4	"Description	Not More Than
5	"Dental Examination Applica-	
6	tion Fee	\$750.00
7	"Dental Examination Fee	\$2,500.00
8	"Dental Examination Materials	
9	Fee	\$500.00
10	"Dental Licensure by Creden-	
11	tials Application Fee	\$4,000.00
12	"Dental Licensure by Regional	
13	Exam Application Fee	\$1,000.00
14	"Special Purpose Licensure Fee	\$750.00
15	"Special Purpose Licensure Re-	
16	newal Fee	\$750.00
17	"Dental Annual Registration	
18	Fee	\$500.00
19	"Dental License Reinstatement	
20	Penalty	\$500.00
21	"Dental Hygiene Program Appli-	
22	cation Fee	\$500.00

1	"Alabama Dental Hygiene Train-	
2	ing Permit Fee	\$450.00
3	"Alabama Dental Hygiene Train-	
4	ing Education Fee	\$600.00
5	"Alabama Dental Hygiene Pro-	
6	gram Instructor Certification	
7	Course Fee	\$200.00
8	"Alabama Dental Hygiene Pro-	
9	gram Instructional Materials	
10	Fee	\$950.00
11	"Dental Hygiene By Regional	
12	Exam Application Fee	\$75.00 <u>\$500.00</u>
13	"Dental Hygiene Examination	
14	Application Fee	\$500.00
15	"Dental Hygiene Examination	
16	Fee	\$600.00
17	"Dental Hygiene Examination	
18	Materials Fee	\$400.00
19	"Dental Hygiene Licensure by	
20	Credentials Fee	\$2,000.00
21	"Dental Hygiene Annual Regis-	
22	tration Fee	\$75.00
23	"Dental Hygiene License Rein-	\$200.00

1	statement Penalty	
2	<u>"Dental Hygiene Infiltration</u>	
3	<u>Anesthesia Permit Fee</u>	<u>\$250.00</u>
4	<u>"Dental Hygiene Infiltration</u>	
5	<u>Anesthesia Renewal Fee</u>	<u>\$250.00</u>
6	"Expanded Duty Dental Assis-	
7	tant by Regional Exam Applica-	
8	tion Fee	\$75.00
9	"Expanded Duty Dental Assis-	
10	tant Examination Application	
11	Fee	\$500.00
12	"Expanded Duty Dental Assis-	
13	tant Examination Fee	\$600.00
14	"Expanded Duty Dental Assis-	
15	tant Examination Materials Fee	\$400.00
16	"Expanded Duty Dental Assis-	
17	tant Licensure by Credentials	
18	Fee	\$2,000.00
19	"Expanded Duty Dental Assis-	
20	tant Annual Registration Fee	\$75.00
21	"Expanded Duty Dental Assis-	
22	tant License Reinstatement	
23	Penalty	\$200.00

1	"License Certificate Fee	\$500.00
2	"Duplicate or Replacement Li-	
3	cense Fee	\$150.00
4	"Dental Faculty Teaching Per-	
5	mit Fee	\$350.00
6	"Dental Faculty Special Teach-	
7	ing Permit Fee	\$500.00
8	"Alabama Controlled Substance	
9	Permit Fee	\$400.00
10	"Alabama Controlled Substance	
11	Permit Renewal Fee	\$400.00
12	"General Anesthesia Permit Fee	\$1,500.00
13	"General Anesthesia Permit Re-	
14	newal Fee	\$750.00
15	"Parenteral Sedation Permit	
16	Fee	\$1,500.00
17	"Parenteral Sedation Permit	
18	Renewal Fee	\$750.00
19	"Oral Conscious Sedation Per-	
20	mit Fee	\$250.00
21	"Oral Conscious Sedation Per-	
22	mit Renewal Fee	\$250.00
23	"Mobile Dental Applica-	\$1,500.00

1 tion/Inspection Fee

2 "Mobile Dental Renewal Fee \$1,500.00

3 "Mobile Dental Facil-

4 ity/Portable Dental Operation

5 Application for Certificate of

6 Registration Fee \$750.00

7 "Mobile Dental Facil-

8 ity/Portable Dental Operation

9 Renewal of Certificate of Reg-

10 istration Fee \$500.00

11 "Alabama Impaired Dental Pro-

12 fessionals Committee Annual

13 Monitoring Fee \$2,000.00

14 "§34-9-18.

15 "(a) The board may invoke disciplinary action as

16 outlined in subsection (b) hereof whenever it shall be

17 established to the satisfaction of the board, after hearing as

18 hereinafter provided, that any dentist, or dental hygienist,

19 ~~or expanded duty dental assistant~~ has been guilty of the

20 following:

21 "(1) Fraud, deceit, or misrepresentation in

22 obtaining any license, license certificate, annual

23 registration certificate, money, or other thing of value.

1 "(2) Gross immorality.

2 "(3) Is a menace to the public health or to patients
3 or others by reason of a disease.

4 "(4) Is an habitual user of intoxicants or drugs
5 rendering him or her unfit for the practice of dentistry, or
6 dental hygiene, ~~or expanded duty dental assisting.~~

7 "(5) Has been convicted for violation of federal or
8 state narcotics or barbiturate laws.

9 "(6) Is guilty of negligence or gross negligence.

10 "a. For the purposes of this subdivision, negligence
11 is defined as the failure to do what a reasonably prudent
12 dentist or dental hygienist would have done under the same or
13 similar circumstances or the doing of that which a reasonably
14 prudent practitioner would not have done under the same or
15 similar circumstances.

16 "b. For the purposes of this subdivision, gross
17 negligence is defined as willful or wanton conduct with
18 reckless, malicious, or conscious disregard for the rights or
19 safety of others, or conduct that is so deliberate,
20 outrageous, and callous as to display total indifference to
21 the health or safety of a patient, that could result in
22 serious bodily injury or death.

23 "(7) Is guilty of employing, allowing, or permitting
24 any unlicensed person or persons to perform any work in his or
25 her office which, under this chapter, can only be legally done

1 by a person or persons holding a license to practice
2 dentistry, or dental hygiene, ~~or expanded duty dental~~
3 ~~assisting~~.

4 "(8) Willfully or negligently violates the rules of
5 the State Department of Health or of the board regarding
6 sanitation.

7 "(9) Is guilty of division of fees, or agreeing to
8 split or divide the fee received for dental service with any
9 person for bringing or referring a patient without the
10 knowledge of the patient or his or her legal representative,
11 except the division of fees between dentists practicing in a
12 partnership and sharing professional fees, or in case of one
13 licensed dentist employing another.

14 "(10) Is guilty of professional connection or
15 association with or lending his or her name to anyone who is
16 engaged in the illegal practice of dentistry, or dental
17 hygiene, ~~or expanded duty dental assisting~~.

18 "(11) Conviction in any court of competent
19 jurisdiction of a felony or a misdemeanor involving moral
20 turpitude.

21 "(12)a. A dental hygienist using or attempting to
22 use in any manner whatsoever any prophylactic list, call list,
23 records, reprints, or copies of same, or information gathered
24 therefrom, of the names of patients whom the dental hygienist
25 served in the office of a prior employer, unless the names

1 appear upon the bona fide call or prophylactic list of his or
2 her present employer and were caused to appear through the
3 legitimate practice of dentistry, or dental hygiene, ~~or~~
4 ~~expanded duty dental assisting~~ as provided for in this
5 chapter.

6 "b. A licensed dentist who aids or abets or
7 encourages a dental hygienist ~~or an expanded duty dental~~
8 ~~assistant~~ employed by him or her to make use of a prophylactic
9 list or the calling by telephone or by the use of letters
10 transmitted through the mails to solicit patronage from
11 patients formerly served in the office of any dentist
12 employing the hygienist, ~~expanded duty dental assistant, or~~
13 nurse.

14 "c. ~~An expanded duty dental assistant using or~~
15 ~~aiding, abetting, or encouraging a dental hygienist to use in~~
16 ~~any manner whatsoever any prophylactic list, call list,~~
17 ~~records, reprints, or copies of same, or information gathered~~
18 ~~therefrom, of the names of patients whom the expanded duty~~
19 ~~dental assistant served in the office of a prior employer,~~
20 ~~unless the names appear upon the bona fide call or~~
21 ~~prophylactic list of his or her present employer and were~~
22 ~~caused to appear through the legitimate practice of dentistry,~~
23 ~~dental hygiene, or expanded duty dental assisting as provided~~
24 ~~for in this chapter.~~

1 "(13) Pertaining to licensed dentists only, the
2 prescribing, administering or dispensing of any controlled
3 substances enumerated in Schedules I through V contained in
4 the Alabama Uniform Controlled Substances Act, Chapter 2 of
5 Title 20, or any amendment or successor thereto, or any drug
6 not prescribed for any dentally or facially related condition,
7 and/or for any necessary medication during the course of
8 treatment rendered directly by the dentist, for any person not
9 under his or her treatment in the regular practice of his or
10 her profession.

11 "(14) Irregularities in billing an insurance company
12 or other third party payer for services rendered to a patient.
13 For the purposes of this section irregularities in billing
14 shall include: Reporting charges for the purpose of obtaining
15 a total payment in excess of that usually received by the
16 dentist for the services rendered; falsely reporting treatment
17 dates for the purpose of obtaining payment; falsely reporting
18 charges for services not rendered; falsely reporting services
19 rendered for the purpose of obtaining payment; or failing to
20 advise any third party payer that the copayment provisions of
21 a contract have been abrogated by accepting the payment
22 received from the third party payer as full payment.

23 "(15) Pertaining to licensed dentists only, patient
24 abandonment.

25 "~~(15)~~ (16) Violating any rule adopted by the board.

1 "~~(16)~~ (17) Has had his or her license or permit to
2 practice dentistry, or dental hygiene, ~~or expanded duty dental~~
3 ~~assisting~~ from another state suspended or revoked based upon
4 acts similar to those described in this section. A certified
5 copy of the record of suspension or revocation of the state
6 making the suspension or revocation shall be conclusive
7 evidence thereof.

8 "~~(17)~~ (18) Violating any provision of this chapter.

9 "(b) When the board finds any dentist, or dental
10 hygienist, ~~or expanded duty dental assistant~~ guilty of any of
11 the grounds set forth in subsection (a), it may enter an order
12 imposing one or more of the following penalties:

13 "(1) Refuse to issue the dentist, or dental
14 hygienist, ~~or expanded duty dental assistant~~ any license or
15 permit provided for in this chapter.

16 "(2) With the exception of negligence as defined in
17 paragraph (a) (6) a. revoke the license or permit of any
18 dentist, or dental hygienist, ~~or expanded duty dental~~
19 ~~assistant~~.

20 "(3) Suspend the license or permit of any dentist,
21 or dental hygienist, ~~or expanded duty dental assistant~~.

22 "(4) Enter a censure.

23 "(5) Issue an order fixing a period and terms of
24 probation best adapted to protect the public health and safety

1 and to rehabilitate the dentist, or dental hygienist, ~~or~~
2 ~~expanded duty dental assistant.~~

3 "(6) Impose an administrative fine not to exceed
4 five thousand dollars (\$5,000) for each count or separate
5 offense.

6 "(7) Impose restrictions on the scope of practice.

7 "(8) Impose peer review or professional education
8 requirements.

9 "(9) Assess the costs of the disciplinary
10 proceedings.

11 "(c) Failure to comply with any ~~final~~ order of the
12 board, including, but not limited to, an order of censure or
13 probation, is cause for suspension or revocation of a license.

14 "(d) (1) No disciplinary action as outlined in
15 subsection (b) or (c) ~~hereof~~ shall be invoked or entered
16 except after hearing by the board as provided in this chapter,
17 and such order is subject to judicial review as provided by
18 this chapter.

19 "(2) No order of suspension or revocation provided
20 in this section shall be made or entered except after hearing
21 by the board as provided in this chapter, and the order shall
22 be subject to judicial review as provided by this chapter.

23 "(e) (1) The board may temporarily suspend a special
24 purpose license to practice dentistry across state lines
25 without a hearing on either of the following grounds:

1 "~~(1)~~a. The failure of the licensee to appear or
2 produce records or materials as requested by the board.

3 "~~(2)~~b. The initiation of a disciplinary action
4 against the licensee by any state or territorial licensing
5 jurisdiction in which the licensee holds a license to practice
6 dentistry.

7 "(2) Notwithstanding any other provision of law,
8 including the Alabama Administrative Procedure Act, the
9 temporary suspension provided herein shall remain in effect
10 until either the licensee has complied with the request of the
11 board or the disciplinary action pending against the licensee
12 has been terminated in favor of the licensee and the temporary
13 suspension has been terminated by a written order of the
14 board. A special purpose license to practice dentistry across
15 state lines is subject to each of the grounds for disciplinary
16 action provided in this section in accordance with the
17 procedures of Section 34-9-24 and the Alabama Administrative
18 Procedure Act.

19 "(f) Members of the board, any agent, employee,
20 consultant, or attorney for the board, and the members of any
21 committee of dentists, or dental hygienists, ~~or expanded duty~~
22 ~~dental assistants~~ impaneled by the board, shall be immune from
23 suits for any conduct in the course of their official duties
24 with respect to investigations or hearings; provided, that the
25 persons act without malice and in good faith that such

1 investigations or hearings are warranted by the facts, known
2 to them after diligent effort to obtain the facts of the
3 matter relative to the investigations or hearings.

4 "(g) Nothing in this chapter shall be interpreted to
5 limit or restrict the authority of the board to discipline any
6 dentist licensed to practice in this state who violates this
7 chapter while engaging in the practice of dentistry within
8 this or any other state.

9 "(h) The board shall have the authority to adopt
10 rules imposing a non-disciplinary administrative penalty for
11 designated violations of this chapter.

12 "§34-9-19.

13 "(a) For the purpose of this section, the following
14 terms shall have the respective meanings:

15 "(1) ADVERTISEMENT. An advertisement is information
16 communicated in a manner designed to attract public attention
17 to the practice of a dentist as heretofore defined.

18 "(2) DENTIST. Any person licensed to practice
19 dentistry in this state pursuant to this chapter or any entity
20 authorized by law which is formed for the purpose of
21 practicing dentistry.

22 "(3) FALSE. A false statement or claim is one which:

23 "a. Contains a material misrepresentation of fact or
24 law.

1 "b. Omits a material fact rendering the statement or
2 claim when considered as a whole false.

3 "(b) A dentist shall have ultimate responsibility
4 for all advertisements which are approved by him or her or his
5 or her agents or associates and the dentist shall be
6 responsible for the following:

7 "(1) Broadcast advertisements shall be recorded,
8 approved by the dentist, and a recording of the actual
9 transmission shall be retained by the dentist for one year
10 following the final appearance or use of the advertisement.
11 The dentist is responsible for making copies of the
12 advertisement available to the board within 10 days following
13 a request by the board.

14 "(2) Written or printed advertisements shall be
15 approved by the dentist and a copy of the publication in which
16 the advertisement is displayed shall be retained by the
17 dentist for one year following the final appearance or use of
18 the advertisement. The dentist is responsible for making
19 copies of the advertisement available to the board within 10
20 days following a request by the board.

21 "(3) Other forms of advertisement shall be approved
22 by the dentist and the contents and specifications, where
23 applicable, shall be retained by the dentist for one year
24 following the final appearance or use of the advertisement and
25 the dentist is responsible for making copies of the

1 advertisement available to the board within 10 days following
2 a request by the board.

3 "(c) A dentist may not hold himself or herself out
4 as a specialist or advertise specialty status unless the
5 specialty is approved by the ~~American Dental Association~~
6 board.

7 "(d) Dentists who are not specialists in specialties
8 approved by the ~~American Dental Association~~ board may
9 nevertheless advertise that their practice is limited to a
10 specific area of dentistry only if the dentist has obtained
11 membership in or otherwise has been ~~credentialed~~
12 credentialed by an accrediting organization which is
13 recognized by the board as a bona fide organization for such
14 an area of practice.

15 "(e) Notwithstanding any provision of this section
16 to the contrary, a dentist licensed pursuant to this chapter
17 may not hold himself or herself out as a specialist or
18 advertise membership in a specialty recognized by an
19 accrediting organization, unless the dentist has continuously
20 held himself or herself out as a specialist since December 31,
21 1964, in a specialty recognized by the ~~American Dental~~
22 ~~Association~~ board or has completed a specialty education
23 program approved by the ~~American Dental Association~~ board and
24 the Commission on Dental Accreditation and meets either of the
25 following qualifications:

1 "(1) Is eligible for examination by a national
2 specialty board recognized by the ~~American Dental Association~~
3 board.

4 "(2) Is a diplomate of a national specialty board
5 recognized by the ~~American Dental Association~~ board.

6 "(f) A dentist licensed under this chapter may not
7 represent to the public without appropriate disclosure that
8 his or her practice is limited to a specific area of dentistry
9 other than a specialty area of dentistry authorized under
10 subsection (e) unless the dentist has attained membership in
11 or has otherwise been credentialed by an accrediting
12 organization which is recognized by the board as a bona fide
13 organization for such an area of dental practice. In order to
14 be recognized by the board as a bona fide accrediting
15 organization for a specific area of dental practice other than
16 a specialty area of dentistry authorized under subsection (c),
17 the organization must condition membership or credentialing of
18 its members upon all of the following:

19 "(1) Successful completion of a formal, full-time
20 advanced education program that is affiliated with or
21 sponsored by a university-based dental school that is beyond
22 the dental degree, is at the graduate or postgraduate level,
23 and is of at least 12 months in duration.

1 "(2) Prior didactic training and clinical experience
2 in the specific area of dentistry which is greater than that
3 of other dentists.

4 "(3) Successful completion of oral and written
5 examinations based on psychometric principles.

6 "(g) Notwithstanding the requirements of subsections
7 (e) and (f), a dentist who lacks membership in or
8 certification, diplomate status, or other similar credentials
9 from an accrediting organization approved as bona fide by
10 ~~either the American Dental Association or~~ the board may
11 announce a practice emphasis in any other area of dental
12 practice if the dentist incorporates in capital letters or
13 some other manner clearly distinguishable from the rest of the
14 announcement, solicitation, or advertisement the following
15 statement: " _____ (NAME OF ANNOUNCED AREA OF DENTAL
16 PRACTICE) IS NOT RECOGNIZED AS A SPECIALTY AREA BY THE
17 ~~AMERICAN DENTAL ASSOCIATION OR THE~~ BOARD OF DENTAL EXAMINERS
18 OF ALABAMA." If such an area of dental practice is officially
19 recognized by an organization which the dentist desires to
20 acknowledge or otherwise reference in the dentist's
21 announcement, solicitation, or advertisement, the same
22 announcement, solicitation, or advertisement shall also state
23 prominently: " _____ (NAME OF REFERENCED
24 ORGANIZATION) IS NOT RECOGNIZED AS A BONA FIDE SPECIALTY

1 ACCREDITING ORGANIZATION BY THE ~~AMERICAN DENTAL ASSOCIATION OR~~
2 ~~THE~~ BOARD OF DENTAL EXAMINERS OF ALABAMA."

3 "(h) The purpose of this section is to prevent a
4 dentist from advertising without appropriate disclosure
5 membership in an organization which may be perceived by the
6 public as recognizing or accrediting specialization or other
7 unique competencies in an area of dentistry that is not
8 recognized or accredited by the ~~American Dental Association or~~
9 ~~the~~ board in accordance with this section. The purpose of this
10 section is also to prohibit a dentist from advertising a
11 specialty or other area of dental practice without appropriate
12 disclosure unless the special competencies held by the dentist
13 satisfy the requirements of subsections (d) and (f). The
14 Legislature finds that dental consumers can reasonably rely on
15 these requirements as satisfactory evidence of a dentist's
16 attainment of meaningful competencies in the specialty or
17 other bona fide area of dental practice advertised. The
18 Legislature also finds that this process for the recognition
19 of dental specialties and other bona fide areas of dental
20 practice is the least restrictive means available to ensure
21 that consumers are not misled about a dentist's unique
22 credentials.

23 "(i) A dentist who lacks membership in or
24 certification, diplomate status, or similar credentials from
25 an accrediting organization approved as bona fide by ~~either~~

1 ~~the American Dental Association or~~ the board may announce a
2 practice emphasis in any other area of dental practice if the
3 dentist incorporates the disclaimer set forth in subsection
4 (g).

5 "(j) The board shall promulgate rules and
6 regulations delineating examples of advertising which would be
7 considered false, fraudulent, misleading, or deceptive.

8 "§34-9-22.

9 "Whoever sells or offers to sell a diploma
10 conferring a dental, or dental hygiene, ~~or expanded duty~~
11 ~~dental assistant~~ degree, or a license certificate or annual
12 registration certificate granted pursuant to this chapter or
13 prior dental act, or procures such diploma or license
14 certificate or annual registration certificate with intent
15 that it shall be used as evidence of the right to practice
16 dentistry or dental hygiene as defined by law, by a person
17 other than the one upon whom it was conferred or to whom such
18 license certificate or annual registration certificate was
19 granted, or with fraudulent intent alters such diploma or
20 license certificate or annual registration certificate, or
21 uses or attempts to use it when it is so altered shall be
22 deemed guilty of a misdemeanor. The board may impose any of
23 the penalties outlined in Section 34-9-18 against any person
24 found guilty of making a false statement or cheating, or of
25 fraud or deception either in applying for a license, a license

1 certificate, or annual registration or in taking any of the
2 examinations provided for herein.

3 "§34-9-26.

4 "~~(a)~~ No person shall practice as a dental hygienist
5 in this state until such person has passed an examination
6 given by the board or approved by the board, or both, under
7 rules and regulations as the board may promulgate and the
8 payment of a fee. The board shall issue licenses and license
9 certificates as dental hygienists to those persons who have
10 passed the examination and have been found qualified by the
11 board. The license certificate and annual registration
12 certificate shall be displayed in the office in which the
13 dental hygienist is employed. No person shall be entitled to a
14 license and license certificate unless the person is 19 years
15 of age and of good moral character. Each applicant for
16 examination and license as a dental hygienist shall be a
17 graduate of a school of dental hygiene which has been approved
18 by the board, or in lieu thereof, shall have served as a
19 dental assistant for a period of time established by board
20 rule and shall have served at least one year as a dental
21 hygienist trainee under a training permit issued by the board
22 to a qualified dentist practicing in this state in accordance
23 with the dental hygienist training program established by the
24 board. Any person practicing in violation of this section

1 shall be guilty of a misdemeanor, and the board may impose the
2 penalties outlined in Section 34-9-18 for such violation.

3 ~~"(b) No person shall practice as an expanded duty
4 dental assistant in this state until such person has passed an
5 examination given by the board or approved by the board, or
6 both, under rules and regulations as the board may promulgate
7 and the payment of a fee. The board shall issue licenses and
8 license certificates as expanded duty dental assistants to
9 those persons who have passed the examination and have been
10 found qualified by the board. The license certificate and
11 annual registration certificate shall be displayed in the
12 office in which the expanded duty dental assistant is
13 employed. No person shall be entitled to a license and license
14 certificate unless the person is 19 years of age and of good
15 moral character. Each applicant for examination and license as
16 an expanded duty dental assistant shall be a graduate of a
17 school of expanded duty dental assisting which has been
18 approved by the board. Any person practicing in violation of
19 this section shall be guilty of a misdemeanor, and the board
20 may impose the penalties outlined in Section 34-9-18 for such
21 violation.~~

22 "§34-9-27.

23 "Dental hygienists and ~~expanded duty dental~~
24 ~~assistants~~ shall work only under the direct supervision of a
25 duly licensed dentist practicing in this state. Dental

1 hygienists ~~and expanded duty dental assistants~~ may perform any
2 duties allowed by rule or regulation of the board and assist a
3 licensed or permitted dentist in his or her practice, ~~however,~~
4 ~~expanded duty dental assistants may not perform any~~
5 ~~irreversible procedure, including surgery.~~ Any dental
6 hygienist licensed by the board under this section who has
7 completed the curriculum for dental hygienists at a dental
8 school approved by the board shall have the right to use the
9 title Registered Dental Hygienist or the abbreviation thereof,
10 "R.D.H." appended to his or her name signifying the license
11 conferred. The board may impose any of the penalties outlined
12 in Section 34-9-18 against any dentist who shall permit any
13 dental hygienist ~~or expanded duty dental assistant~~ working
14 under his or her supervision to perform any operation other
15 than those permitted under ~~the provisions of~~ this section, and
16 may impose the penalties outlined in Section 34-9-18 against
17 any dental hygienist ~~or expanded duty dental assistant~~ who
18 shall perform any operation other than those permitted under
19 this section.

20 "§34-9-28.

21 "It shall be the duty of all licensed dental
22 hygienists ~~and expanded duty dental assistants~~ to notify the
23 board, in writing, of any change of address or employer and
24 have issued to them an annual registration certificate by the
25 board. Any dental hygienist ~~or expanded duty dental assistant~~

1 whose license shall be automatically suspended by reason of
2 failure, neglect, or refusal to secure the annual registration
3 certificate may be reinstated by the board upon payment of the
4 penalty fee plus the current year's registration fee. The form
5 and method provided for in Section 34-9-15 shall apply to the
6 annual registration of dental hygienists.

7 "§34-9-40.

8 "(a) In order to accomplish the purposes and to
9 provide for the enforcement of this chapter, there is hereby
10 created the board. The board is hereby vested with the
11 authority to carry out the purposes and enforce the provisions
12 of this chapter. On June 24, 1959, the members of the present
13 board now in existence shall hold office for the remainder of
14 their respective terms for which they have been elected and
15 thereafter until their successors are elected and qualified
16 and shall constitute the board under this chapter. The board
17 shall consist of six dentists who shall be selected in the
18 method set forth herein all of whom having been actively
19 engaged in the practice of dentistry in the State of Alabama
20 for at least five years next preceding the date of their
21 election and one dental hygienist elected at-large as provided
22 in subsection (b). Each member of the board shall be a citizen
23 of this state. No member of the board shall be a member of the
24 faculty of any dental school, dental college, dental hygiene
25 school, or dental hygiene college or receive any financial

1 benefits for teaching in any dental school, dental college,
2 dental hygiene school, or dental hygiene college or have a
3 financial interest in a commercial dental laboratory or a
4 dental supply business. One member, who is qualified as
5 provided herein, shall be selected by the Alabama Dental
6 Society every five years. As for all elections of members, any
7 group of 10 or more licensed dentists, residing and practicing
8 dentistry in the state, may nominate a candidate for the
9 position of board member by submitting a petition bearing
10 their signatures to the secretary of the board to be
11 postmarked no later than the first day of July in the year of
12 the election. The board shall cause the election ballots to be
13 mailed or published digitally not later than September 1 in
14 the year of the election to all the licensed dentists residing
15 and practicing in the state and currently registered as
16 prescribed by law, ~~along with the annual registration form for~~
17 ~~the forthcoming fiscal year. Both the annual registration form~~
18 ~~and fee shall accompany the.~~ The ballot that shall be
19 postmarked, or otherwise submitted electronically, no later
20 than October 1 to the secretary of the board ~~no later than the~~
21 ~~first board workday following October 1 each year, ballots~~
22 ~~being nullified unless accompanied by or electronically filed~~
23 ~~with completed annual registration form and annual~~
24 ~~registration fee.~~ Three members of the board shall be present
25 at the time the ballots, digital or physical, are tallied. Any

1 candidate receiving a majority of the votes shall be declared
2 elected to the board and will take the oath of office on or
3 before October 15 in the year of his or her election. In the
4 event no candidate receives a majority of the votes cast, the
5 board shall conduct a run-off election between the two
6 candidates receiving the largest number of votes. The board
7 shall cause the ballots pertaining to the run-off election to
8 be mailed or digitally published on or before October 31 of
9 the election year to all the licensed dentists who have
10 renewed their licenses for the succeeding year as of October 1
11 of the current year, are residing and practicing in the state,
12 and currently are registered as prescribed by law, and the
13 ballots pertaining to the run-off election shall be postmarked
14 or digitally published no later than the fourteenth day of
15 November in the year of the run-off election and received, if
16 mailed, by the secretary of the board no later than the first
17 board workday following the fourteenth day of November. All
18 mailed ballots received after this date shall be nullified. In
19 the event of a run-off election, the candidate receiving the
20 largest number of votes in the run-off election shall be
21 declared elected to the board and shall take the oath of
22 office and begin his or her term of office no later than the
23 next scheduled board meeting. Every member elected shall hold
24 office for a period of five years, which terms shall begin
25 immediately upon taking an oath to properly and faithfully

1 discharge the duties of his or her office and until his or her
2 successor is elected and qualified, and the member so elected
3 or appointed shall not at the expiration of the term be
4 eligible to succeed himself or herself. The membership of the
5 board shall be inclusive and reflect the racial, gender,
6 geographic, urban/rural, and economic diversity of the state.
7 Except for the board member position selected by the Alabama
8 Dental Society, vacancies on the board shall be filled by the
9 board by the appointment of the immediate past member of the
10 board, and if for any reason the immediate past member of the
11 board is unable to accept the appointment, then the board
12 shall fill the vacancy by appointment of the most recent past
13 board member who is willing to accept the appointment. If no
14 past board member accepts the appointment, then the board may,
15 by majority vote, appoint any licensed dentist qualified under
16 the provisions of this chapter. In the event of a vacancy in
17 the position selected by the Alabama Dental Society, the
18 Alabama Dental Society shall select a dentist who is qualified
19 as provided herein to fill the vacancy. Members of the board
20 shall be removed by a two-thirds vote of the registered
21 dentists in the state for neglect of duty or any just cause,
22 by petition to the secretary of the board by 10 percent of the
23 licensed dentists in the state. On or before July 1, 1962, the
24 board shall send a copy of this section to all licensed
25 dentists in the state.

1 "(b) (1) One member of the board shall be a licensed
2 dental hygienist. The dental hygienist member shall be of good
3 moral and ethical character and shall have been actively
4 engaged in the practice of dental hygiene in the State of
5 Alabama for at least five years preceding the date of
6 election. No dental hygienist member shall be a member of the
7 faculty of any dental school, dental college, dental hygiene
8 school, or dental hygiene college or receive any financial
9 benefits for teaching in any dental school, dental college,
10 dental hygiene school, or dental hygiene college or have a
11 financial interest in a commercial dental laboratory or dental
12 supply business while serving on the board.

13 "(2) The dental hygienist member shall be elected as
14 follows:

15 "a. Any group of 10 or more licensed dental
16 hygienists, residing and practicing dental hygiene in the
17 State of Alabama, may nominate a candidate for the dental
18 hygienist position by submitting a petition bearing their
19 signatures to the secretary of the board no later than the
20 first day of July in the year of an election. The board shall
21 cause election ballots to be mailed or published digitally no
22 later than September 1 in the year of an election to all the
23 licensed dental hygienists residing and practicing in the
24 state and currently registered as prescribed by law. ~~Both the~~
25 ~~annual registration form and the registration fee shall~~

1 ~~accompany the.~~ The ballot ~~that~~ shall be postmarked or
2 otherwise submitted electronically no later than October 1 to
3 the secretary of the board ~~no later than the first board~~
4 ~~workday following October 1 each year, and the ballots will be~~
5 ~~nullified unless accompanied by or electronically filed with a~~
6 ~~completed annual registration form and the annual registration~~
7 ~~fee.~~

8 "b. Three members of the board shall be present at
9 the time the ballots, digital or physical, are tallied. Any
10 candidate receiving a majority of the votes shall be declared
11 elected to the board and shall take the oath of office on or
12 before October 15 in the year of his or her election. In the
13 event no candidate receives a majority of the votes cast, the
14 board shall conduct a run-off election between the two
15 candidates receiving the largest number of votes. The board
16 shall cause the ballots pertaining to any run-off election to
17 be mailed or digitally published on or before October 31 of
18 the election year to all licensed dental hygienists who have
19 renewed their licenses for the succeeding year as of October 1
20 of the current year, are residing and practicing in the state,
21 and are currently registered as prescribed by law, and the
22 ballots pertaining to the run-off election shall be postmarked
23 or digitally submitted no later than the fourteenth day of
24 November in the year of the run-off election and received, if
25 mailed, by the secretary of the board no later than the first

1 board workday following November 14. All mailed ballots
2 received after November 14 shall be nullified. In the event of
3 a run-off election, the dental hygienist candidate receiving
4 the largest number of votes in the run-off election shall be
5 declared elected to the board and shall take the oath of
6 office and begin his or her term of office no later than the
7 next scheduled board meeting.

8 "c. All elections as described above shall be
9 conducted by the board.

10 "(3) The dental hygienist member shall be removed by
11 a two-thirds vote of the registered dental hygienists in the
12 state for neglect of duty or any just cause by petition to the
13 secretary of the board by 10 percent of the licensed dental
14 hygienists in the state.

15 "(4) The dental hygienist member shall hold that
16 position for a period of five years, which term shall begin
17 immediately upon taking an oath to properly and faithfully
18 discharge the duties of his or her office and continue until
19 his or her successor is elected and qualified, and the member
20 so elected or appointed shall not at the expiration of the
21 term be eligible to succeed himself or herself. If a vacancy
22 occurs in the position of dental hygienist, the unexpired term
23 shall be filled by the board by the appointment of the
24 immediate past dental hygienist member. If for any reason the
25 immediate past dental hygienist member is unable to accept the

1 appointment, then the board shall fill the vacancy by a
2 majority vote of the other board members by the appointment of
3 some other past dental hygienist member. If a vacancy occurs
4 and there is not an immediate past dental hygienist member or
5 other past dental hygienist member, the vacancy shall be
6 filled by a unanimous vote of the board by the appointment of
7 some otherwise qualified dental hygienist.

8 "(5) The dental hygienist member shall advise the
9 board on matters relating to dental hygiene and shall only be
10 permitted to vote on matters relating to dental hygiene. The
11 board shall provide the dental hygienist member with timely
12 notice of all board meetings and the dental hygienist member
13 shall be allowed to attend all meetings unless prohibited by
14 law from attendance at any disciplinary hearings. The board
15 shall not adopt any rule relating to the practice of dental
16 hygiene unless the proposed rule has been submitted to the
17 dental hygienist member for review and comment at least 30
18 days prior to its adoption. The dental hygienist member shall
19 be entitled to the same compensation and expenses paid to
20 dentist members of the board pursuant to Section 34-9-41.

21 "(c) Any dentist or dental hygienist who has been
22 found guilty of violating this chapter or any provision of a
23 dental practice act of any other state and as a result his or
24 her license was revoked, suspended, or placed on probation or
25 who has been convicted of a felony, shall not be eligible for

1 election or membership on the board for a period of five years
2 from the termination of any such revocation, suspension, or
3 probation.

4 "§34-9-41.

5 "The board shall annually elect from its membership
6 a president, vice-president, and secretary-treasurer and may
7 employ staff members who are not members of the board. The
8 board shall have a common seal. The board shall hold an annual
9 meeting ~~in Birmingham at the University of Alabama School of~~
10 ~~Dentistry as soon as practical after the graduation exercises~~
11 ~~of the dental school for the purpose of examining or~~
12 ~~participating in the regional examination of applicants for a~~
13 ~~license to practice dentistry and dental hygiene or at such~~
14 ~~other times and places as the board may designate for the~~
15 purpose of transacting its business and examinations, and
16 additional meetings at such times and places as the board may
17 designate. A majority of the board shall constitute a quorum
18 for the transaction of business at any meeting except that in
19 conducting hearings involving any of the penalties outlined in
20 Section 34-9-18, no less than five members of the board shall
21 be present. In conducting hearings involving any of the
22 penalties outlined in Section 34-9-18, a majority of the board
23 may appoint any former member of the board who for such
24 purposes shall have all the powers and privileges of such
25 office as a regular board member possesses. In conducting or

1 participating in exams, a majority of the board may appoint
2 any former member of the board or such other licensed
3 practicing dentists from a jurisdiction recognized by the
4 board who for such purposes shall have all the powers and
5 privileges of such office as a regular board member possesses.
6 Out of the funds of the board the members thereof shall
7 receive as compensation a sum to be fixed by the board for
8 each day actively engaged in the duties of their office, and
9 in addition board members shall receive the same per diem and
10 travel allowance as is paid by law to state employees for each
11 day actively engaged in the duties of their office. The
12 secretary-treasurer shall receive such compensation as may be
13 fixed by the board, which shall be in addition to his or her
14 per diem and expenses, provided no per diem or expenses shall
15 be allowed unless his or her duties require his or her absence
16 from his or her office. The secretary shall receive such
17 compensation as may be fixed by the board. The
18 secretary-treasurer shall be custodian of all property, money,
19 records and the official seal of the board. All money received
20 by the board under this chapter shall be paid to and received
21 by the secretary-treasurer of the board. The
22 secretary-treasurer shall deposit to the credit of the board
23 all funds paid to the board in a bank selected by its members.
24 The board is authorized to expend such funds as shall be
25 necessary to enforce the provisions of this chapter; to pay

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

17 "§34-9-43.2.

18 "(a) The Legislature finds and declares all of the
19 following:

20 "(1) The power to make rules regulating the practice
21 of dentistry, and dental hygiene, ~~and expanded duty dental~~
22 ~~assisting~~ includes the power to prohibit unlicensed persons
23 from practicing dentistry, and dental hygiene, ~~and expanded~~
24 ~~duty dental assisting~~ and the power to regulate how licensed
25 persons practice the same.

1 "(2) A primary goal of the provision of health care
2 is to prioritize patient health, safety, and welfare.

3 "(3) The Board of Dental Examiners of Alabama is in
4 the best position to determine the dental practices that
5 affect and prioritize the health, safety, and welfare of the
6 public.

7 "(4) It is the intent of the Legislature in enacting
8 this section to immunize the Board of Dental Examiners of
9 Alabama, its members, employees, and agents from liability
10 under state and federal anti-trust laws for the adoption of a
11 rule that prioritizes patient health, safety, and welfare but
12 appears to have elements that appear anti-competitive or have
13 an anti-competitive effect when the effect on public health,
14 safety, and welfare is clearly demonstrated and documented by
15 the Board of Dental Examiners of Alabama.

16 "(b) Subject to subsection (c), rules adopted under
17 this section or Sections 34-9-18 and 34-9-43 may define and
18 regulate the practice of dentistry, and dental hygiene, ~~and~~
19 ~~expanded duty dental assisting~~ in a manner that prioritizes
20 patient health, safety, and welfare, even if the rule has
21 elements that appear anti-competitive or have an
22 anti-competitive effect when the effect on public health,
23 safety, and welfare is clearly demonstrated and documented by
24 the Board of Dental Examiners of Alabama.

1 "(c) A rule adopted under this section or Sections
2 34-9-18 and 34-9-43 may supplement or clarify any statutory
3 definition but shall not conflict with any statute which
4 defines the practice of dentistry, and dental hygiene, ~~and~~
5 ~~expanded duty dental assisting.~~

6 "(d) Nothing in this section shall be construed to
7 constrict or expand the current rights and privileges of any
8 individual governed by the Board of Dental Examiners beyond
9 that which existed prior to the ruling in the United States
10 Supreme Court decision N.C. State Bd. of Dental Examiners v.
11 FTC, 135 S.Ct. 1101 (2015).

12 "(e) Nothing in this section shall be construed to
13 constrict or expand the current duties or responsibilities of
14 the members of the Board of Dental Examiners in any context
15 outside of federal or state anti-trust immunity beyond that
16 which existed prior to the ruling in the United States Supreme
17 Court decision N.C. State Bd. of Dental Examiners v. FTC, 135
18 S.Ct. 1101 (2015).

19 "§34-9-88.

20 "~~This~~ An oral conscious sedation permit must be
21 renewed annually upon payment of a renewal fee and proof of
22 completion of any continuing education requirements
23 established by rule of the board.

24 "§34-38-2.

1 "It shall be the duty and obligation of the State
2 Board of Dental Examiners and the State Board of Pharmacy to
3 promote the early identification, intervention, treatment, and
4 rehabilitation of individuals within the respective
5 jurisdiction, licensed to practice in the State of Alabama,
6 who may be impaired by reason of illness, inebriation,
7 excessive use of drugs, narcotics, controlled substances,
8 alcohol, chemicals, or other dependent forming substances, or
9 as a result of any physical or mental condition rendering such
10 person unable to meet the standards of his or her profession.
11 For the purposes of this chapter, the term "impaired" shall
12 mean the inability of a dentist, hygienist, ~~expanded duty~~
13 ~~dental assistant,~~ or pharmacist to practice with reasonable
14 skill and safety to patients by reason of illness,
15 inebriation, excessive use of drugs, narcotics, controlled
16 substances, alcohol, chemicals, or other dependent forming
17 substances, or as a result of any physical or mental condition
18 rendering such person unable to meet the standards of his or
19 her profession. In order to carry out this obligation, each
20 board, individually or jointly, is hereby empowered to
21 contract with any nonprofit corporation, health provider, or
22 professional association for the purpose of creating,
23 supporting, and maintaining a committee of professionals to be
24 designated the Alabama Impaired Professionals' Committee. The
25 committee shall consist of not less than three nor more than

1 15 professionals licensed to practice dentistry or pharmacy in
2 the State of Alabama, and selected in a manner prescribed by
3 the board or boards. The authority of the Alabama Impaired
4 Professionals' Committee shall not supersede the authority of
5 the board or boards to take disciplinary action against
6 individuals subject to this chapter. Nothing in this chapter
7 shall limit the power and authority of the board or boards to
8 discipline an impaired individual subject to its jurisdiction;
9 provided that where an individual is impaired and currently in
10 need of intervention, treatment, or rehabilitation and such
11 individual is currently participating in programs or
12 rehabilitation recommended by the committee, then in its
13 discretion, the board or boards may refrain from taking or
14 continuing disciplinary action against such individual; and
15 further provided that where the board or boards, upon
16 reasonable cause to believe an individual subject to its
17 jurisdiction is impaired, has referred such individual to the
18 committee for evaluation, then in its discretion, the board or
19 boards may refrain from taking or continuing disciplinary
20 action against such individual. The board, or boards, may
21 collect or expend such funds as are available to it as deemed
22 necessary to adequately provide for the operational expenses
23 of the Alabama Impaired Professionals' Committee, including,
24 but not limited to, the actual cost of travel, office overhead
25 and personnel expense, and compensation for the members of the

1 committee and its staff; provided that operational expenses of
2 the Alabama Impaired Professionals' Committee shall not
3 include the cost of treatment or rehabilitation programs
4 recommended by the committee to individuals subject to this
5 chapter. The funds provided by the board or boards, under this
6 section for the purposes stated herein shall not be subject to
7 any provision of law requiring competitive bidding."

8 Section 2. Section 34-9-60.1 is added to the Code of
9 Alabama 1975, to read as follows:

10 §34-9-60.1.

11 (a) The board may permit licensed dental hygienists
12 to administer infiltration anesthesia under the direct
13 supervision of a licensed dentist. The board may promulgate
14 rules further limiting the administration of infiltration
15 anesthesia by dental hygienists. In order to administer
16 infiltration anesthesia, a dental hygienist shall possess a
17 dental hygiene infiltration anesthesia permit issued by the
18 board. To receive a dental hygiene infiltration anesthesia
19 permit from the board, a dental hygienist shall apply on an
20 application form approved by the board, submit the appropriate
21 application fee, and have been engaged in the active practice
22 of dental hygiene for the 12 months immediately preceding
23 initial application. A dental hygienist applying for a dental
24 hygiene infiltration anesthesia permit shall submit proof to

1 the board that he or she has fulfilled at least one of the
2 following qualifications:

3 (1) Has completed a minimum of 32 hours training in
4 the administration of infiltration anesthesia in a course
5 approved by the board.

6 (2) Has certification of training in the
7 administration of infiltration anesthesia by any entity or
8 organization approved by the board.

9 (b) A dental hygiene infiltration anesthesia permit
10 shall be renewed annually upon payment of a renewal fee and
11 proof of completion of any continuing education requirements
12 established by rule of the board.

13 Section 3. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB123

Senate 30-JAN-18

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 27-FEB-18

Senate concurred in House amendment 13-MAR-18

By: Senator Bussman