

1 SB385
2 117936-3
3 By Senator Barron
4 RFD: Governmental Affairs
5 First Read: 09-FEB-10

8 SYNOPSIS: This bill would amend the Board of Dental
9 Examiners Act, to provide further for disciplinary
10 actions and appeals of actions by the board in
11 accordance with the Administrative Procedure Act,
12 to provide further for fees of dental hygienists
13 and mobile dental fees, and provide further for a
14 quorum of the board.
15

16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To amend Sections 34-9-10, 34-9-16, 34-9-41, and
21 34-9-42, Code of Alabama 1975, relating to the Board of Dental
22 Examiners, to provide further for acts for which disciplinary
23 actions may be taken; to provide for appeals of actions by the
24 board in accordance with the Administrative Procedure Act, to
25 provide further for fees of dental hygienists and mobile
26 dental fees, and to provide further for a quorum of the board.
27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 34-9-10, 34-9-16, 34-9-41, and
2 34-9-42, Code of Alabama 1975, are amended to read as follows:

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 must be at
9 least 19 years of age, of good moral character, a citizen of
10 the United States or, if not a citizen of the United States, a
11 person who is legally present in the United States with
12 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 must 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
23 school.

24 "(2) Those individuals who have successfully passed
25 an examination approved but not administered by the board so
26 long as an application for licensure is received by the board
27 within 18 months of the date of notification of passing such

1 examination. All applicants shall pay a fee which shall
2 accompany the application.

3 "(c) Any individual who possesses a current license
4 in any state, who has passed an examination approved by the
5 board and who has, since graduation from dental school,
6 practiced or participated in a clinical residency or practiced
7 dentistry in the Armed Forces or with the public health
8 service shall be eligible for licensure if an application is
9 received by the board within 18 months of the completion of
10 the subject residency or Armed Forces or public health service
11 commitment. All the above applicants shall pay a fee which
12 shall accompany the application.

13 "(d) Licensure by credentials may be utilized to
14 evaluate the theoretical knowledge and clinical skill of a
15 dentist or dental hygienist when an applicant for licensure by
16 credentials holds a dental or dental hygiene license in
17 another state. The board may promulgate rules and regulations
18 relating to licensure by credentials in addition to any
19 requirements by law. An applicant for licensure by credentials
20 must meet all of the following:

21 "(1) The dentist or dental hygienist must have been
22 engaged in the active practice of clinical dentistry or
23 clinical dental hygiene or in full-time dental or dental
24 hygiene education for the five years or 5,000 hours
25 immediately preceding his or her application.

26 "(2) The applicant must hold a current, valid,
27 unrevoked, and unexpired license in a state having examination

1 standards regarded by the Board of Dental Examiners of Alabama
2 as an equivalent to the Alabama standards.

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

6 "(4) The dentist or dental hygienist must not be the
7 subject of a pending disciplinary action in any state in which
8 the individual has been licensed which shall be verified by a
9 query to the National Practitioner Data Bank, the Health
10 Integrity Protection Data Bank, the American Association of
11 Dental ~~Examiners~~ Boards Clearing House for Disciplinary
12 Information or any other pertinent bank currently existing or
13 which may exist in the future.

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

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

18 "(7) There must be certification from the United
19 States Drug Enforcement Administration and from the state
20 board of any state in which the applicant is or has been
21 licensed that the DEA registration is not the subject of any
22 pending disciplinary action or enforcement proceeding of any
23 kind.

24 "(8) The applicant must submit affidavits from two
25 licensed dentists or two licensed dental hygienists practicing
26 in the same geographical area where the applicant currently is

1 practicing or teaching attesting to the applicant's moral
2 character, standing, and ability.

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

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

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

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

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

21 "a. Questioning under oath.

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

24 "c. Substance abuse testing or treatment.

25 "d. Background checks for criminal or fraudulent
26 activities.

27 "e. Participation in continuing education.

1 "f. A current certificate in cardiopulmonary
2 resuscitation.

3 "g. Recent case reports or oral defense of diagnosis
4 and treatment plans.

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

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

10 "j. Proof of professional liability coverage and
11 that coverage has not been refused, declined, cancelled,
12 nonrenewed, or modified.

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

22 "l. Whether the applicant's DEA registration or any
23 state controlled substances permit has ever been revoked,
24 suspended, modified, restricted, or limited in any way.
25 Provided, however, that any discipline that results only from
26 a failure to timely renew a registration or permit shall not

1 prevent an applicant from being eligible for this method of
2 licensure.

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

8 "(15) In addition to the requirements for applicants
9 seeking licensure by credentials, an applicant desiring to
10 practice a specialty only must meet the following
11 requirements:

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

14 "b. The applicant must meet the existing educational
15 requirements and standards set forth by the American Dental
16 Association for that approved specialty.

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

20 "d. If an applicant who is initially licensed by
21 credentials for a specialty practice decides to renounce his
22 or her specialty and practice general dentistry, and the
23 license originally issued did not require a general dental
24 license but rather a specialty license, or the applicant
25 originally passed only a specialty examination, the applicant
26 may not practice general dentistry until he or she
27 successfully passes the board's regular general dentistry

1 examination. However, if the applicant has passed a general
2 dentistry examination or has a general dentistry license, was
3 practicing a specialty, and decides not to continue that
4 specialty and practice only general dentistry, the applicant
5 is eligible for licensure by credentials as a general dentist.

6 "(e) Notwithstanding the provisions of subsection
7 (a), the board shall issue a special purpose license to
8 practice dentistry across state lines to an applicant who has
9 met the following requirements:

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

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

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

26 "(f) A special purpose license issued by the board
27 to practice dentistry across state lines limits the licensee

1 solely to the practice of dentistry across state lines. The
2 special purpose license shall be valid for a period of three
3 years, shall expire on a renewal date established by the board
4 in the third calendar year after its issuance, and may be
5 renewed upon receipt of a renewal fee as established by the
6 board. Failure to renew a license according to the renewal
7 schedule established by the board shall result in the
8 automatic revocation of the special purpose license to
9 practice dentistry across state lines. An applicant may
10 reapply following automatic revocation for failure to renew.
11 The applicant shall meet the qualifications of subsection (e)
12 in order to be eligible for renewal of the license.

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

1 licensed in the other state or territory. The board shall
2 determine which states or territories have reciprocal
3 licensure requirements meeting the qualifications of this
4 section.

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

13 "(i) A current license shall mean one in good
14 standing authorizing the individual to practice in the state
15 of issuance.

16 "§34-9-16.

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

"Description	Not Less Than	Not More Than
Dental Examination Appli-		
cation Fee	\$200.00	\$750.00
Dental Examination Fee	\$300.00 <u>\$100.00</u>	\$2,500.00
Dental Examination Materi-		
als Fee	\$200.00	\$500.00

1	Dental Licensure by Cre-		
2	dentials <u>Application Fee</u>	\$0.00 <u>\$100.00</u>	\$4,000.00
3	<u>Dental Licensure by Re-</u>		
4	<u>gional Exam Application</u>		
5	<u>Fee</u>	<u>\$100</u>	<u>\$1,000.00</u>
6	Special Purpose Licensure		
7	Fee	\$200.00	\$750.00
8	Dental Annual Registration		
9	Fee	\$130.00	\$500.00
10	Dental License Reinstate-		
11	ment Penalty	\$250.00	\$500.00
12	<u>Dental Hygiene Program Ap-</u>		
13	<u>plication Fee</u>	<u>\$50.00</u>	<u>\$500.00</u>
14	Alabama Dental Hygiene		
15	Training Permit Fee	\$0.00	\$450.00
16	Alabama Dental Hygiene		
17	Training Education Fee	\$175.00	\$600.00
18	Alabama Dental Hygiene		
19	Program Instructor Certif-		
20	ication Course Fee	\$75.00	\$200.00
21	Alabama Dental Hygiene		
22	Program Instructional Ma-		
23	terials Fee	\$500.00	\$950.00
24	<u>Dental Hygiene By Regional</u>	<u>\$55.00</u>	<u>\$75.00</u>

1	<u>Exam Application Fee</u>		
2	<u>Dental Hygiene Examination</u>		
3	<u>Application Fee</u>	<u>\$50.00</u>	<u>\$500.00</u>
4	Dental Hygiene Examination		
5	Fee	\$100.00	\$600.00
6	Dental Hygiene Examination		
7	Materials Fee	\$100.00	\$400.00
8	Dental Hygiene Licensure		
9	by Credentials Fee	\$0.00	\$2,000.00
10	Dental Hygiene Annual Reg-		
11	istration Fee	\$55.00	\$75.00
12	Dental Hygiene License Re-		
13	instatement Penalty	\$100.00	\$200.00
14	License Certificate Fee	\$25.00	\$500.00
15	Duplicate License Fee	\$25.00	\$150.00
16	Dental Faculty Teaching		
17	Permit Fee	\$150.00	\$350.00
18	Alabama Controlled Sub-		
19	stance Permit Fee	\$125.00	\$400.00
20	Alabama Controlled Sub-		
21	stance Permit Renewal Fee	\$100.00	\$400.00
22	General Anesthesia Permit		
23	Fee	\$900.00	\$1,500.00
24	General Anesthesia Permit	\$200.00	\$750.00

1	Renewal Fee		
2	Parenteral Sedation Permit		
3	Fee	\$900.00	\$1,500.00
4	Parenteral Sedation Permit		
5	Renewal Fee	\$200.00	\$750.00
6	Oral Conscious Sedation		
7	Permit Fee	\$100.00	\$250.00
8	Oral Conscious Sedation		
9	Permit Renewal Fee	\$50.00	\$250.00
10	<u>Mobile Dental Applica-</u>		
11	<u>tion/Inspection Fee</u>	<u>\$750.00</u>	<u>\$1,500.00</u>
12	<u>Mobile Dental Renewal Fee</u>	<u>\$250.00</u>	<u>\$1,500.00</u>

13 "§34-9-41.

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

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

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

23 "§34-9-42.

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

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

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