

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

1 SB385

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3  
4 ENGROSSED

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6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Sections 34-9-10, 34-9-16, 34-9-41, and  
18 34-9-42, Code of Alabama 1975, are amended to read as follows:

19 "§34-9-10.

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

1 appropriate documentation from the federal government, a  
2 graduate of a dental school or college accredited by the  
3 American Dental Association Commission on Dental Accreditation  
4 and approved by the board and must satisfy any other  
5 requirement set forth in any rule adopted by the board.

6 "(b) Licensure by examination shall be applicable to  
7 the following categories:

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

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

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

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

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

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

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

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

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

1 Dental ~~Examiners~~ Boards Clearing House for Disciplinary  
2 Information or any other pertinent bank currently existing or  
3 which may exist in the future.

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

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

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

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

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

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

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

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

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

11           "a. Questioning under oath.

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

14           "c. Substance abuse testing or treatment.

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

17           "e. Participation in continuing education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 "(e) Notwithstanding the provisions of subsection  
25 (a), the board shall issue a special purpose license to  
26 practice dentistry across state lines to an applicant who has  
27 met the following requirements:



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

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

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

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

1 reapply following automatic revocation for failure to renew.  
2 The applicant shall meet the qualifications of subsection (e)  
3 in order to be eligible for renewal of the license.

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

23 "(h) Any individual who does not qualify for  
24 licensure pursuant to any of the above subsections but who has  
25 passed an examination approved by the board and possesses a  
26 current license in another state is eligible to apply for  
27 licensure upon payment of a fee. The board shall have

discretion whether to require an examination for any such individual, including the time, place, type, and content of any such examination.

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

"§34-9-16.

The board shall establish and collect reasonable fees provided for in this chapter within the ranges set forth 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	<del>\$300.00</del> <u>\$100.00</u>	\$2,500.00
Dental Examination Materi-		
als Fee	\$200.00	\$500.00
Dental Licensure by Cre-		
dentials <u>Application</u> Fee	<del>\$0.00</del> <u>\$100.00</u>	\$4,000.00
<u>Dental Licensure by Re-</u>		
<u>gional Exam Application</u>		
<u>Fee</u>	<u>\$100</u>	<u>\$1,000.00</u>
Special Purpose Licensure		
Fee	\$200.00	\$750.00
Dental Annual Registration	\$130.00	\$500.00

1	Fee		
2	Dental License Reinstate-		
3	ment Penalty	\$250.00	\$500.00
4	<u>Dental Hygiene Program Ap-</u>		
5	<u>plication Fee</u>	<u>\$50.00</u>	<u>\$500.00</u>
6	Alabama Dental Hygiene		
7	Training Permit Fee	\$0.00	\$450.00
8	Alabama Dental Hygiene		
9	Training Education Fee	\$175.00	\$600.00
10	Alabama Dental Hygiene		
11	Program Instructor Certif-		
12	ication Course Fee	\$75.00	\$200.00
13	Alabama Dental Hygiene		
14	Program Instructional Ma-		
15	terials Fee	\$500.00	\$950.00
16	<u>Dental Hygiene By Regional</u>		
17	<u>Exam Application Fee</u>	<u>\$55.00</u>	<u>\$75.00</u>
18	<u>Dental Hygiene Examination</u>		
19	<u>Application Fee</u>	<u>\$50.00</u>	<u>\$500.00</u>
20	Dental Hygiene Examination		
21	Fee	\$100.00	\$600.00
22	Dental Hygiene Examination		
23	Materials Fee	\$100.00	\$400.00
24	Dental Hygiene Licensure	\$0.00	\$2,000.00

1	by Credentials Fee		
2	Dental Hygiene Annual Reg-		
3	istration Fee	\$55.00	\$75.00
4	Dental Hygiene License Re-		
5	instatement Penalty	\$100.00	\$200.00
6	License Certificate Fee	\$25.00	\$500.00
7	Duplicate License Fee	\$25.00	\$150.00
8	Dental Faculty Teaching		
9	Permit Fee	\$150.00	\$350.00
10	Alabama Controlled Sub-		
11	stance Permit Fee	\$125.00	\$400.00
12	Alabama Controlled Sub-		
13	stance Permit Renewal Fee	\$100.00	\$400.00
14	General Anesthesia Permit		
15	Fee	\$900.00	\$1,500.00
16	General Anesthesia Permit		
17	Renewal Fee	\$200.00	\$750.00
18	Parenteral Sedation Permit		
19	Fee	\$900.00	\$1,500.00
20	Parenteral Sedation Permit		
21	Renewal Fee	\$200.00	\$750.00
22	Oral Conscious Sedation		
23	Permit Fee	\$100.00	\$250.00
24	Oral Conscious Sedation	\$50.00	\$250.00

1 Permit Renewal Fee

2 Mobile Dental Applica-

3 tion/Inspection Fee                      \$750.00                      \$1,500.00

4 Mobile Dental Renewal Fee                      \$250.00                      \$1,500.00

5                      "§34-9-41.

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

1 possesses. In conducting exams, a majority of the board may  
2 appoint 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  
26 salaries, expenses and other costs herein provided; to promote  
27 the arts and science of dentistry; and for such other purposes

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

14 "§34-9-42.

15 The secretary-treasurer of the board shall give bond  
16 in such sum as may be prescribed by the board, conditioned to  
17 faithfully and honestly discharge the duties of said office  
18 according to law, which bond shall be made payable to the  
19 Board of Dental Examiners of Alabama and held in the custody  
20 of the president of said board. The secretary-treasurer of the  
21 board shall compile an annual report which shall contain an  
22 itemized statement of all money received and disbursed and a  
23 summary of the official acts of the board during the preceding  
24 year, and said report shall have attached thereto a certified  
25 report and audit made by a certified public accountant of the  
26 State of Alabama. A copy of said report and audit shall be  
27 filed of record in the office of the Department of Finance of



1 the State of Alabama, and a copy shall be retained by the  
2 secretary-treasurer to be rendered upon request, to the  
3 dentists at large in the State of Alabama. The board may  
4 affiliate with the American Association of Dental ~~Examiners~~  
5 Boards, may pay dues to the said association and may send all  
6 members of the board to the meetings of said association. Such  
7 delegates may receive the per diem herein provided for  
8 attending such meetings and reimbursement for necessary  
9 expenses audited and allowed by the board."

10 Section 2. This act shall become effective  
11 immediately following its passage and approval by the  
12 Governor, or its otherwise becoming law.

1  
2  
3 Senate  
  
4 Read for the first time and referred to the Senate  
5 committee on Governmental Affairs ..... 09-FEB-10  
6  
7 Read for the second time and placed on the calen-  
8 dar 1 amendment ..... 16-FEB-10  
9  
10 Read for the third time and passed as amended ... 18-FEB-10

11 Yeas 31  
12 Nays 0

13  
14  
15 McDowell Lee  
16 Secretary  
17