

HB285 ENGROSSED



1 PZ5TGR-2
2 By Representative Lipscomb
3 RFD: Boards, Agencies and Commissions
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A BILL
TO BE ENTITLED
AN ACT

Relating to the practice of dentistry and dental hygiene; to amend Sections 34-9-1, 34-9-5, 34-9-10, 34-9-11, 34-9-15, 34-9-26, 34-9-27, 34-9-43, 34-9-60, 34-9-63, and 34-9-86, Code of Alabama 1975; to further provide for penalties for violations; and qualifications for licensure and administration of controlled substances by dentists and dental hygienists.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-9-1, 34-9-5, 34-9-10, 34-9-11, 34-9-15, 34-9-26, 34-9-27, 34-9-43, 34-9-60, 34-9-63, and 34-9-86, Code of Alabama 1975, are amended to read as follows:

"§34-9-1

For the purposes of this chapter, the following terms ~~shall~~ have the respective meanings ascribed by this section:

(1) ADMINISTER. When used in reference to a controlled substance, the direct application of a controlled substance to the body of a patient by a dentist, by injection, inhalation, ingestion, or other means.

~~(1)~~ (2) ANNUAL REGISTRATION. The documentary evidence that the board has renewed the authority of the licensee to



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29 practice dentistry or dental hygiene in this state.

30 ~~(2)~~ (3) BOARD. The Board of Dental Examiners of Alabama.

31 ~~(3)~~ (4) COMMERCIAL DENTAL LABORATORY. A technician or
32 group of technicians available to any or all licensed dentists
33 for construction or repair of dental appliances.

34 (5) DISPENSE. When used in reference to a controlled
35 substance, the delivery of a controlled substance to a patient
36 by a dentist, including the prescribing and administering of a
37 controlled substance.

38 ~~(4)~~ (6) GENERAL ANESTHESIA. A controlled state of
39 unconsciousness, accompanied by a partial or complete loss of
40 protective reflexes, including inability to independently
41 maintain an airway and respond purposefully to physical
42 stimulation or verbal command, produced by a pharmacologic
43 method.

44 ~~(5)~~ (7) INFILTRATION ANESTHESIA. A form of local
45 anesthesia wherein the terminal or peripheral sensory portion
46 of either the maxillary or mandibular branch of the trigeminal
47 nerve endings are anesthetized by injecting a solution
48 submucosally into an intra-oral circumscribed area for the
49 relief or prevention of pain.

50 ~~(6)~~ (8) LICENSE. The grant of authority by the board to
51 a person to engage in the practice of dentistry or dental
52 hygiene.

53 ~~(7)~~ (9) LICENSE CERTIFICATE. The documentary evidence
54 under seal of the board that the board has granted authority
55 to the licensee to practice dentistry or dental hygiene in
56 this state.



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57 ~~(8)~~ (10) LICENSED DENTIST. A dentist who holds a current
58 license certificate from the board.

59 ~~(9)~~ (11) LICENSED HYGIENIST. A hygienist who holds a
60 current license certificate from the board.

61 ~~(10)~~ (12) LOCAL ANESTHESIA. The elimination of
62 sensations, especially pain in one part of the body by topical
63 application or regional injection of a drug.

64 ~~(11)~~ (13) PATIENT ABANDONMENT. The termination of dental
65 treatment without giving the patient adequate notice of at
66 least 15 days before the termination of dental treatment.
67 Adequate notice includes informing the patient of the
68 availability of emergency treatment and providing the patient
69 with an opportunity to obtain the services of another dentist
70 during the notice period. Abandonment may also occur if the
71 dentist jeopardizes the health of the patient during the
72 termination process.

73 ~~(12)~~ (14) PRACTICE OF DENTISTRY ACROSS STATE LINES.

74 a. The practice of dentistry as defined in Section
75 34-9-6 as it applies to the following:

76 1. The rendering of a written or otherwise documented
77 professional opinion concerning the diagnosis or treatment of
78 a patient located within this state by a dentist located
79 outside this state as a result of transmission of individual
80 patient data by electronic or other means from within this
81 state to the dentist or his or her agent.

82 2. The rendering of treatment to a patient located
83 within this state by a dentist located outside this state as a
84 result of transmission of individual patient data by



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85 electronic or other means from this state to the dentist or
86 his or her agent.

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

91 b. This definition is not intended to include an
92 informal consultation between a licensed dentist located in
93 this state and a dentist located outside this state provided
94 that the consultation is conducted without compensation or the
95 expectation of compensation to either dentist, and does not
96 result in the formal rendering of a written or otherwise
97 documented professional opinion concerning the diagnosis or
98 treatment of a patient by the dentist located outside the
99 state.

100 ~~(13)~~ (15) PRIVATE ~~TECHNICIANS~~ TECHNICIAN. A technician
101 employed by a dentist or group of dentists for a specified
102 salary.

103 ~~(14)~~ (16) SEDATION. A depressed level of consciousness
104 that retains the patient's ability to independently and
105 continuously maintain an airway and respond appropriately to
106 physical stimulation or verbal command, produced by a
107 pharmacologic method."

108 "§34-9-5

109 Any ~~person~~ individual who ~~shall engage~~ engages in the
110 practice of dentistry across state lines or practice dentistry
111 or dental hygiene in this state within the meaning of this
112 chapter without having first obtained from the ~~board~~ a license



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113 ~~and an annual registration certificate, when the certificate~~
114 ~~is required by this chapter, or who violates this chapter, or~~
115 ~~who willfully violates any published rule or regulation of the~~
116 ~~board, or who does any act described in this chapter as~~
117 ~~unlawful, the penalty for which is not herein specifically~~
118 ~~provided,~~ to practice dentistry shall be guilty of a
119 ~~misdemeanor and upon conviction shall be punished by a fine of~~
120 ~~not more than five thousand dollars (\$5,000) for each offense,~~
121 ~~to be fixed by the court trying the case, and in addition~~
122 ~~thereto may be, in the discretion of the court, sentenced to~~
123 ~~hard labor for the county for a period not to exceed 12 months~~
124 Class C felony and shall be punished as prescribed by law."

125 "§34-9-10

126 (a) (1) Every ~~person~~ individual who desires to practice
127 dentistry within the State of Alabama shall file an
128 application accompanied by the appropriate fee prescribed by
129 the board.

130 (2) Notwithstanding ~~the~~ any particular requirement or
131 method of obtaining licensure ~~or any particular requirement~~
132 ~~set forth herein, every person as a prerequisite to licensure~~
133 applicant shall be at least 19 years of age, of good moral
134 character, a citizen of the United States or, if not a citizen
135 of the United States, ~~a person~~ an individual who is legally
136 present in the United States with appropriate documentation
137 from the federal government, and a graduate of a dental school
138 or college accredited by the American Dental Association
139 Commission on Dental Accreditation and approved by the board,
140 and shall satisfy any other requirement set forth in any rule



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141 adopted by the board.

142 (3) The board may issue a license to practice dentistry
143 to any applicant who meets the licensure requirements set
144 forth in this chapter and the applicable rules of the board,
145 and may refrain from issuing a license to any applicant if the
146 board determines that doing so would be inconsistent with the
147 public interest and the promotion of public health and safety.

148 (b) Licensure by examination shall be applicable to the
149 following categories:

150 (1) ~~Those individuals~~ An applicant who ~~have~~ has never
151 been licensed or taken an examination and whose application to
152 take an examination administered or approved by the board is
153 received by the board within 18 months of graduation from
154 dental school or completion of an accredited or approved
155 post-doctoral residency program.

156 (2) ~~Those individuals~~ An applicant who ~~have~~ has
157 successfully passed an examination approved but not
158 administered by the board so long as an application for
159 licensure is received by the board within five years of the
160 date of notification of passing ~~such~~ the examination. ~~All~~
161 ~~applicants shall pay a fee which shall accompany the~~
162 ~~application.~~

163 (c) Any ~~individual~~ applicant who possesses a current
164 license in any state, who has passed an examination approved
165 by the board and who has, since graduation from dental or
166 dental hygiene school, practiced or participated in a clinical
167 residency or practiced dentistry or dental hygiene in the
168 Armed Forces or with the public health service shall be



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169 eligible for licensure if ~~an~~ his or her application is
170 received by the board within five years of the completion of
171 the subject residency or Armed Forces or public health service
172 commitment. ~~All the above applicants shall pay a fee which~~
173 ~~shall accompany the application.~~

174 (d) Licensure by credentials may be utilized to
175 evaluate the theoretical knowledge and clinical skill of a
176 dentist or dental hygienist when an applicant for licensure by
177 credentials holds a dental or dental hygiene license in
178 another state. The board may ~~promulgate~~ establish rules ~~and~~
179 ~~regulations~~ relating to licensure by credentials in addition
180 to any requirements by law. ~~An~~ The dentist or dental hygienist
181 applicant for licensure by credentials shall satisfy all of
182 the following:

183 (1) ~~The dentist or dental hygienist shall have~~ Has been
184 engaged in the active practice of clinical dentistry or
185 clinical dental hygiene or in full-time dental or dental
186 hygiene education for the five years or 5,000 hours
187 immediately preceding his or her application.

188 (2) ~~The applicant shall hold~~ Holds a current, valid,
189 unrevoked, and unexpired license in a state having examination
190 standards regarded by the board as an equivalent to the
191 Alabama standards.

192 (3) ~~The board of examiners in the state of current~~
193 ~~practice shall verify or endorse that the applicant's license~~
194 ~~is~~ Is licensed in good standing without any restrictions, as
195 verified by the board of examiners in the state of current
196 practice.



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197 (4) ~~The dentist or dental hygienist shall~~ Is not ~~be~~ the
198 subject of a pending disciplinary action in any state in which
199 ~~the individual he or she~~ has been licensed ~~which shall be~~ as
200 verified by a query to the National Practitioner Data Bank,
201 the Health Integrity Protection Data Bank, the American
202 Association of Dental Boards Clearing House for Disciplinary
203 Information, or any other pertinent bank currently existing or
204 which may exist in the future.

205 (5) ~~The applicant shall provide~~ Provides a written
206 statement agreeing to be interviewed at the request of the
207 board.

208 (6) ~~The individual shall successfully pass~~ Passes a
209 written jurisprudence examination.

210 (7) ~~There shall be certification from~~ Is certified by
211 the United States Drug Enforcement Administration and from the
212 state board of any state in which ~~the applicant he or she~~ is
213 or has been licensed that the DEA registration is not the
214 subject of any pending disciplinary action or enforcement
215 proceeding of any kind.

216 (8) a. ~~The dentist applicant shall submit~~ Submits
217 affidavits as a dentist applicant from two licensed dentists
218 practicing in the same geographical area where the applicant
219 is then practicing or teaching attesting to the moral
220 character, standing, and ability of the applicant.

221 b. ~~The dental hygiene applicant shall submit~~ Submits
222 affidavits as a dental hygienist applicant from two licensed
223 dentists or two licensed dental hygienists, or any combination
224 of two thereof, practicing in the same geographical area where



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225 ~~the applicant~~ he or she is then practicing or teaching,
226 attesting to ~~the~~ his or her moral character, standing, and
227 ability ~~of the applicant~~.

228 (9) ~~The applicant shall provide~~ Provides the board with
229 an official transcript with school seal from the school of
230 dentistry or school of dental hygiene ~~which~~ that issued ~~the~~
231 ~~applicant's~~ his or her professional degree, ~~or execute~~
232 executes a request and authorization allowing the board to
233 obtain the transcript.

234 (10) ~~The applicant shall be~~ Is a graduate of a dental
235 or dental hygiene school, college, or educational program
236 approved by the board.

237 (11) ~~The applicant shall not be~~ Is not the subject of
238 any pending or final action from any hospital revoking,
239 suspending, limiting, modifying, or interfering with any
240 clinical or staff privileges.

241 (12) ~~The applicant shall not have~~ Has not been
242 convicted of a felony or misdemeanor involving moral turpitude
243 or of any law dealing with the administering or dispensing of
244 legend drugs, including controlled substances.

245 (13) ~~The board may consider or require~~ Any other
246 criteria required by the board by rule, including, but not
247 limited to, any of the following:

- 248 a. Questioning under oath.
- 249 b. Results of peer review reports from constituent
250 dental societies or federal dental services.
- 251 c. Substance abuse testing or treatment.
- 252 d. Background checks for criminal or fraudulent



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253 activities.

254 e. Participation in continuing education.

255 f. A current certificate in cardiopulmonary
256 resuscitation.

257 g. Recent case reports or oral defense of diagnosis and
258 treatment plans.

259 h. Proof of no physical or psychological impairment
260 that would adversely affect the ability to practice dentistry
261 or dental hygiene with reasonable skill and safety.

262 i. An agreement to initiate practice within the State
263 of Alabama within a period of one year.

264 j. Proof of professional liability coverage and that
265 coverage has not been refused, declined, ~~cancelled~~cancel~~ed~~,
266 nonrenewed, or modified.

267 k. Whether the applicant has been subject to any final
268 disciplinary action in any state in which ~~the individual he or~~
269 she has been licensed which shall be verified by a query in
270 the National Practitioner Data Bank, the Health Integrity
271 Protection Data Bank, the American Association of Dental
272 Boards Clearing House for Disciplinary Information, any state
273 where the applicant has been licensed, or any other pertinent
274 bank currently existing or which may exist in the future.

275 l. Whether the applicant's DEA registration or any
276 state controlled substances permit has ever been revoked,
277 suspended, modified, restricted, or limited in any way.

278 Provided, however, that any discipline that results only from
279 a failure to timely renew a registration or permit shall not
280 prevent ~~an applicant~~ him or her from being eligible for this



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281 method of licensure.

282 ~~(14)~~ (e) If all criteria and requirements are satisfied
283 and the board determines, after notice and a hearing, that the
284 ~~individual~~ applicant committed fraud or in any way falsified
285 any information in the application process, the license may be
286 revoked by the board.

287 ~~(15)~~ (f) In addition to the requirements for applicants
288 seeking licensure by credentials, an applicant desiring to
289 practice a specialty only shall satisfy the following
290 requirements:

291 ~~a.~~ (1) The specialty shall be one in a branch of
292 dentistry approved by the board.

293 ~~b.~~ (2) The applicant shall satisfy the existing
294 educational requirements and standards set forth by the board
295 for that approved specialty.

296 ~~c.~~ (3) An applicant who chooses to announce or practice
297 a specialty shall limit his or her practice exclusively to the
298 announced special area or areas of dental practice.

299 ~~d.~~ (4) If an applicant who is initially licensed by
300 credentials for a specialty practice decides to renounce his
301 or her specialty and practice general dentistry, and the
302 license originally issued did not require a general dental
303 license but rather a specialty license, or if the applicant
304 originally passed only a specialty examination, the applicant
305 may not practice general dentistry until he or she
306 successfully passes the board's regular general dentistry
307 examination. However, if the applicant ~~has~~ passed a general
308 dentistry examination or ~~has~~ holds a general dentistry



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309 license, ~~was practicing~~ practices a specialty, ~~and then~~
310 decides not to continue that specialty ~~and~~ but to practice
311 only general dentistry, the applicant is eligible for
312 licensure by credentials as a general dentist.

313 ~~(e)~~ (g) (1) Notwithstanding ~~the provisions of~~ subsection
314 (a), the board shall issue a special purpose license to
315 practice dentistry across state lines to an applicant who has
316 met the following requirements:

317 ~~(1)a. The applicant holds~~ Has a full and unrestricted
318 license to practice dentistry in any state of the United
319 States or in territories, other than the State of Alabama, in
320 which the ~~individual applicant~~ is licensed.

321 ~~(2)b. The applicant has~~ Has not had any disciplinary
322 action or other action taken against him or her by any state
323 or licensing jurisdiction. If there has been previous
324 disciplinary or other action taken against the applicant, the
325 board may issue a certificate of qualification if it finds
326 that the previous disciplinary or other action indicates that
327 the dentist is not a potential threat to the public.

328 ~~(3)c. The applicant submits~~ Submits an application and
329 an application fee for a certificate of qualification for a
330 special purpose license to practice dentistry across state
331 lines on a form provided by the board, ~~remits an application~~
332 ~~fee in an amount established by the board,~~ and pays a fee upon
333 certification. All required fees shall be established by the
334 board.

335 ~~(f)~~ (2) A special purpose license issued by the board to
336 practice dentistry across state lines limits the licensee



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337 solely to the practice of dentistry across state lines. The
338 special purpose license shall be valid for a period of up to
339 three years, shall expire on a renewal date determined by the
340 board, and may be renewed upon receipt of a renewal fee as
341 established by the board. Failure to renew a license according
342 to the renewal schedule established by the board shall cause
343 the special purpose license to be inactive. An applicant may
344 reapply for a special purpose license to practice dentistry
345 across state lines following placement of the license on
346 inactive status. The applicant shall meet the qualifications
347 of subsection (e) in order to be eligible for renewal of the
348 license.

349 ~~(g)~~ (3) Notwithstanding the provisions of this section,
350 the board shall only issue a special purpose license to
351 practice dentistry across state lines to an applicant whose
352 principal practice location and license to practice are
353 located in a state or territory of the United States whose
354 laws permit or allow for the issuance of a special purpose
355 license to practice dentistry across state lines or similar
356 license to a dentist whose principal practice location and
357 license are located in another state. It is the stated intent
358 of this section that dentists who hold a full and current
359 license authorizing him or her to practice in the State of
360 Alabama shall be afforded the opportunity to obtain, ~~on a~~
361 ~~reciprocal basis,~~ a reciprocal license to practice dentistry
362 across state lines in any other state or territory of the
363 United States as a precondition to the issuance of a special
364 purpose license as authorized by this section to a dentist



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365 licensed in the other state or territory. The board shall
366 determine which states or territories have reciprocal
367 licensure requirements meeting the qualifications of this
368 section.

369 (h) Any ~~individual~~ applicant who does not qualify for
370 licensure pursuant to any of the above subsections but who has
371 passed an out-of-state examination approved by the board and
372 possesses a ~~current~~ license in good standing authorizing the
373 applicant to practice in the state of issuance ~~another state~~
374 is eligible to apply for licensure upon payment of a fee
375 established by the board. The board shall have discretion
376 whether to require an examination for ~~any such individual~~ the
377 applicant, including the time, place, type, and content of ~~any~~
378 ~~such~~ the examination.

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

382 "§34-9-11

383 When an application and accompanying proof as ~~are~~
384 required ~~herein~~ under this chapter are found satisfactory, the
385 ~~board~~ Board shall notify the applicant to appear for
386 examination at a time and place to be fixed by the board, and
387 each applicant shall be examined and graded by number in lieu
388 of name. All examinations provided for in this chapter shall
389 be approved by the board and shall be of ~~such~~ the type and
390 character as to test the qualifications of the applicant to
391 practice dentistry. ~~It is provided~~ Provided, however, ~~that~~ the
392 board may recognize any written parts of an examination given



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393 by the Joint Commission on National Dental Examinations in
394 lieu of ~~such or~~ subject to the board examinations ~~or subject~~
395 ~~to such examinations~~ as the board may approve. Those found
396 qualified by the board, consistent with Section 34-9-10(a),
397 shall be granted a license and a license certificate which
398 shall bear a serial number, the full name of the licensee, the
399 date of issuance, and the seal of the board, and shall be
400 signed by each member of the board."

401 "§34-9-15

402 (a) No ~~person~~ individual shall practice dentistry or
403 dental hygiene in the State of Alabama unless licensed or
404 permitted by the board and registered annually as required by
405 this chapter.

406 (b) (1) The secretary-treasurer of the board shall issue
407 to each licensee an initial registration form which shall
408 contain space for the insertion of name, address, date, and
409 number of license certificate, and other information as the
410 board shall deem necessary. The licensee shall sign and verify
411 the accuracy of the registration before a notary public after
412 which he or she shall forward the registration to the
413 secretary-treasurer of the board together with a fee. Each
414 subsequent registration shall be made in electronic format or
415 by United States mail upon a form to be determined by the
416 board.

417 (2) On or before October 1 of each year, every dentist
418 and dental hygienist licensed or permitted to practice
419 dentistry or dental hygiene in the state shall transmit either
420 online or by United States mail to the secretary-treasurer of



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421 the board the completed form prescribed by the board, together
422 with a fee established by the board pursuant to this chapter,
423 and receive thereafter the current annual registration
424 certificate authorizing him or her to continue the practice of
425 dentistry or dental hygiene in the state for a period of one
426 year. Notwithstanding Section 34-9-16, the total amount of any
427 administrative fines and costs assessed upon the licensee
428 pursuant to Section 34-9-18 in a final and non-appealable
429 order or agreement shall be added to and made a part of the
430 fee.

431 (c) (1) Any license or permit previously granted under
432 the authority of this chapter or any prior dental practice act
433 shall automatically be suspended if the holder thereof fails
434 to secure the annual registration certificate before January
435 1, each year. Any dentist or dental hygienist whose license or
436 permit is automatically suspended by reason of failure,
437 neglect, or refusal to secure the annual registration
438 certificate shall be reinstated by the board upon payment of
439 the penalty fee plus all accrued annual registration fees up
440 to a maximum of five years, accompanied with the prescribed
441 form for annual registration of the license or permit.

442 (2) Upon failure of any licensee or permittee to file
443 application for the annual registration certificate and pay
444 the annual registration fee on or before November 30, each
445 year, the board shall notify the licensee or permittee by mail
446 addressed to the last address of record that the application
447 and fee have not been received and that, unless the
448 application and fee are received on or before the first day of



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449 January, the license or permit shall be automatically
450 suspended. The board shall notify the licensee or permittee by
451 mail addressed to the last address of record of the effective
452 date of the automatic suspension and the provisions for
453 registration of the license or permit.

454 (d) (1) The board shall waive the annual payment of fees
455 herein provided for and issue a current annual registration
456 certificate to any licensee or permittee who, ~~because of age~~
457 ~~or physical disability,~~ has retired from the practice of
458 dentistry or dental hygiene because of age or physical
459 disability ~~or who is suffering a malady of a lingering or~~
460 ~~permanent nature.~~

461 (2) The board by rule shall waive annual registration
462 and the payment of fees while any licensee is on temporary
463 active duty with any of the Armed Forces of the United States.

464 (3) The ~~waiver-waivers~~ of fees ~~herein~~ provided in this
465 subsection shall be effective so long as the retirement
466 because of age or physical disability or temporary active duty
467 continues.

468 ~~(b) (e)~~ The board shall adopt ~~and promulgate~~ rules and
469 regulations for the adoption of a program of continuing
470 education for its licensees ~~by October 1, 1991. After that~~
471 ~~date, the~~ The successful completion of continuing education
472 program requirements shall be a requisite for renewal of
473 licenses and permits issued pursuant to this chapter."

474 "§34-9-26

475 (a) (1) No ~~person-individual~~ shall practice as a dental
476 hygienist in this state until ~~such person has passed an~~



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477 ~~examination given by the board or approved by the board, or~~
478 ~~both, under rules and regulations as the board may promulgate~~
479 ~~and the payment of a fee~~ he or she is duly licensed and
480 currently registered as a dental hygienist pursuant to this
481 chapter.

482 (b) The board ~~shall~~ may issue licenses and license
483 certificates to practice as dental hygienists to ~~these~~
484 ~~persons~~ applicants who have passed the examination and have
485 been found qualified by the board. Alternatively, the board
486 may deny licenses or license certificates in instances where
487 it determines that doing so would be inconsistent with the
488 public interest and the promotion of public health and safety.

489 (c) The license certificate and annual registration
490 certificate shall be displayed in the office in which the
491 dental hygienist is employed.

492 (d) No ~~person~~ applicant shall be entitled to a license
493 and license certificate unless ~~the person~~ he or she is 19
494 years of age and of good moral character.

495 (e) Each applicant for examination and license as a
496 dental hygienist shall meet either of the following
497 requirements:

498 (1) ~~shall be a graduate of~~ Has graduated from a school
499 of dental hygiene which has been approved by the board, ~~or in~~
500 ~~lieu thereof, shall have~~

501 (2) Has served as a dental assistant for a period of
502 time established by board rule and shall have served at least
503 one year as a dental hygienist trainee under a training permit
504 issued by the board to a qualified dentist practicing in this



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505 state in accordance with the dental hygienist training program
506 established by the board.

507 (f) Any person practicing in violation of this section
508 shall be guilty of a misdemeanor, and the board may impose the
509 penalties outlined in Section 34-9-18 for such violation."

510 "§34-9-27

511 (a) A dental hygienist ~~Dental hygienists~~ shall work
512 only under the direct supervision of a duly licensed dentist
513 practicing in this state. ~~Dental hygienists~~ A dental hygienist
514 may perform any duties allowed by rule ~~or regulation~~ of the
515 board and assist a licensed or permitted dentist in his or her
516 practice.

517 (b) Any dental hygienist licensed by the board under
518 this section who has completed the curriculum for dental
519 hygienists at a dental school approved by the board shall have
520 the right to use the title Registered Dental Hygienist or the
521 abbreviation thereof, "R.D.H." appended to his or her name
522 signifying the license conferred.

523 (c) The board may impose any of the penalties outlined
524 in Section 34-9-18 against any dentist who shall permit any
525 dental hygienist working under his or her supervision to
526 perform any operation other than those permitted under this
527 section, and may impose the penalties outlined in Section
528 34-9-18 against any dental hygienist who ~~shall perform~~
529 performs any operation other than those permitted under this
530 section."

531 "§34-9-43

532 (a) The board shall exercise, subject to this chapter,



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533 the following powers and duties:

534 (1) Adopt rules for its government as deemed necessary
535 and proper.

536 (2) ~~Prescribe~~ Adopt rules for qualification and
537 licensing of dentists and dental hygienists.

538 (3) Conduct or participate in examinations to ascertain
539 the qualification and fitness of applicants for licenses as
540 dentists and dental hygienists.

541 (4) ~~Make~~ Adopt rules ~~and regulations~~ regarding
542 sanitation.

543 (5) ~~Formulate~~ Adopt rules ~~and regulations~~ by which
544 dental schools and colleges are approved, and ~~formulate~~ adopt
545 rules ~~and regulations~~ by which training, educational,
546 technical, vocational, or any other institution ~~which~~ that
547 provides instruction for dental assistants, dental laboratory
548 technicians, or any other parodontal personnel are approved.

549 (6) Grant or deny licenses, ~~issue~~ license certificates,
550 teaching permits, and annual registration certificates in
551 conformity with this chapter ~~to such qualified dentists and~~
552 ~~dental hygienists~~.

553 (7) Conduct hearings or proceedings to impose the
554 penalties specified in Section 34-9-18.

555 (8)a. Employ necessary ~~persons~~ individuals to assist in
556 performing its duties in the administration and enforcement of
557 this chapter, and to provide offices, furniture, fixtures,
558 supplies, printing, or secretarial service ~~to these persons~~
559 and expend necessary funds.

560 b. Employ an attorney or attorneys, subject to the



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561 approval of the Attorney General, to advise and assist in the
562 carrying out and enforcing of the provisions of this chapter.
563 Provided, however, that if the board contracts with an outside
564 attorney to be general counsel to the board, that attorney or
565 any member of a law firm with which he or she is associated
566 shall not function as the board's prosecutor at disciplinary
567 hearings.

568 (9)a. Investigate alleged violations of this chapter
569 and institute or have instituted before the board or the
570 proper court appropriate proceedings regarding the violation.

571 b. Authorize and employ investigators who comply with
572 the Alabama Peace Officers' ~~Minimum~~ Standards and Training Act
573 to exercise the powers of a peace officer in investigating
574 alleged violations of the drug or controlled substances laws
575 by ~~persons~~ individuals licensed pursuant to this chapter,
576 including the powers of arrest and inspection of documents.

577 (10) Adopt rules ~~and regulations~~ to implement this
578 chapter.

579 (11) Publish, on a quarterly basis, all minutes, except
580 minutes of executive sessions, financial reports, schedules of
581 meetings, including anticipated executive sessions, and other
582 pertinent information on the board's website no later than 90
583 days following the date of occurrence. In addition, publish or
584 post annually the rules ~~and regulations promulgated~~ adopted by
585 the board, a copy of the Dental Practice Act, and a list of
586 all ~~persons~~ individuals licensed to practice under this
587 chapter.

588 (12) Attend meetings, seminars, workshops, or events



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589 that may improve the function and efficiency of the board or
590 improve the ability of the board to enforce and administer
591 this chapter.

592 (b) The board, in exercising its powers and duties,
593 shall adhere to guidelines and proceedings of the State Ethics
594 Commission as provided in Chapter 25 of Title 36. The board
595 may adopt rules for the purpose of establishing additional
596 ethical guidelines."

597 "§34-9-60

598 Any ~~person~~ individual licensed or permitted to practice
599 dentistry in the State of Alabama shall be authorized to use
600 anesthesia in accordance with ~~the provisions of this~~
601 section. all of the following:

602 (1) All dentists are authorized to use local
603 anesthesia.

604 (2) Twelve months after May 29, 1985, no dentist shall
605 use general anesthesia on an outpatient basis for dental
606 patients, unless such dentist possesses a permit of
607 authorization issued by the ~~Board of Dental Examiners~~ board.

608 a. In order to receive ~~such~~ the permit, the dentist
609 must apply on a prescribed application form to the ~~Board of~~
610 ~~Dental Examiners~~ board, submit an application fee, and produce
611 evidence showing that he or she meets all of the following
612 requirements:

613 1. Has completed a minimum of one year of advanced
614 training in anesthesiology and related academic subjects (or
615 its equivalent) beyond the undergraduate dental school level
616 in a training program as described in Part II of the



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617 guidelines for teaching the comprehensive control of pain and
618 anxiety in dentistry; or

619 2. Is a diplomate of the American Board of Oral and
620 Maxillofacial Surgery, or is eligible for examination by the
621 American Board of Oral and Maxillofacial Surgery, or is a
622 member of the American Association of Oral and Maxillofacial
623 Surgeons; or

624 3. Employs or works in conjunction with a ~~qualified~~
625 ~~medical doctor~~ licensed physician who is a member of the
626 anesthesiology staff in an accredited hospital, provided that
627 such anesthesiologist must remain on the premises of the
628 dental facility until any patient given a general anesthetic
629 regains consciousness and is discharged; and

630 4. Has a properly equipped facility for the
631 administration of general anesthesia staffed with a supervised
632 team of auxiliary personnel capable of reasonably assisting
633 the dentist with procedures, problems, and emergencies
634 incident thereto. Adequacy of the facility and competence of
635 the anesthesia team shall be determined by the ~~Board of Dental~~
636 ~~Examiners~~ board as outlined ~~below~~ in paragraph b.

637 5. ~~Possesses current~~ Has successfully completed
638 training in Advanced ~~Cardiac~~ Cardiovascular Life Support
639 (ACLS), and ~~basic life support certification~~ his or her
640 auxiliary personnel have successfully completed training in
641 Basic Life Support (BLS).

642 b. Prior to the issuance of ~~such~~ the permit, the ~~Board~~
643 ~~of Dental Examiners~~ board, at its discretion, may require an
644 on-site inspection of the facility, equipment, and personnel



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645 to determine if, in fact, the ~~aforementioned~~ requirements in
646 paragraph a. have been met. This evaluation shall be carried
647 out in a manner prescribed by the board. The evaluation shall
648 be conducted by a team of three examiners appointed by the
649 ~~Board of Dental Examiners~~board. ~~These examiners shall be~~
650 ~~dentists who are authorized to administer general~~
651 ~~anesthesia~~The team of examiners shall consist of at least one
652 licensed dentist who holds a general anesthesia permit and at
653 least two other persons as prescribed by the board pursuant to
654 its rules. If the results of the initial evaluation are deemed
655 unsatisfactory, the applicant may reapply for a permit subject
656 to the correction of the deficiencies outlined in the original
657 evaluation.

658 (3) Each dentist who is licensed to practice dentistry
659 in the state on May 29, 1985, who desires to continue to use
660 general anesthesia shall make application on the prescribed
661 form to the ~~Board of Dental Examiners~~board within 12 months
662 of May 29, 1985. If he or she meets the requirements of this
663 section, he or she shall be issued such a permit. If the
664 applicant does not meet the requirements of paragraph ~~a. of~~
665 ~~subdivision (2) a. of this section~~, he or she may be entitled
666 to a "general anesthesia permit" provided ~~said the~~the applicant
667 passes to the satisfaction of the board an on-site inspection
668 as provided for in paragraph ~~b. of subdivision (2) of this~~
669 ~~section~~(2)b.

670 ~~(4) Each dentist who has not been using general~~
671 ~~anesthesia prior to May 29, 1985, may be granted by the board~~
672 ~~a temporary provisional permit based on the applicant's~~



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673 ~~producing evidence that he or she has complied with paragraph~~
674 ~~a. of subdivision (2) of this section above pending complete~~
675 ~~processing of the application and thorough investigation of an~~
676 ~~on-site evaluation as described in paragraph b. of subdivision~~
677 ~~(2) of this section."~~

678 "§34-9-63

679 (a) The issuance of a permit for general anesthesia
680 shall include the privilege of administering parenteral
681 sedation in accordance with this section. The issuance of a
682 permit for parenteral sedation shall include the privilege of
683 administering intravenous sedation. All current intravenous
684 sedation permit holders are entitled to a parenteral sedation
685 permit subject to the renewal ~~and regulatory provisions~~
686 ~~afforded to the Board of Dental Examiners by~~ requirements and
687 board rules adopted by the board pursuant to this chapter. The
688 term "parenteral sedation" shall not include the use or
689 regulation of nitrous oxide.

690 (b) (1) No dentist shall use parenteral sedation on an
691 outpatient basis for dental patients unless the dentist
692 possesses a permit of authorization issued by the board. The
693 dentist applying for or holding the permit shall be subject to
694 on-site inspections as provided in paragraph ~~b. of subdivision~~
695 ~~(2)~~ b. of Section 34-9-60.

696 ~~a.~~ (2) In order to receive the permit, the dentist shall
697 meet all of the following requirements:

698 1.a. Apply on a prescribed application form to the
699 board.

700 2.b. Submit a fee.



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701 ~~3.~~c. Produce evidence showing that he or she has
702 satisfied each of the following requirements:

703 ~~(i)~~1. Received formal training in the use of parenteral
704 sedation from a board approved training program, is competent
705 to handle all emergencies relating to parenteral sedation, and
706 is currently certified in cardiopulmonary resuscitation. The
707 certification of the formal training shall specify the total
708 number of hours, the number of didactic hours, and the number
709 of patient contact hours. The required number of didactic
710 hours and patient contact hours shall be determined by the
711 board.

712 ~~(ii)~~2. Equipped a proper facility for the
713 administration of parenteral sedation, staffed with a
714 supervised team of auxiliary personnel capable of reasonably
715 assisting the dentist with procedures, problems, and
716 emergencies incident to the sedation procedure.

717 ~~b.~~(3) Adequacy of the facility and the competency of
718 the sedation team shall be determined by the board.

719 ~~e.~~(4) Prior to the issuance of a permit, the board may
720 require an on-site inspection of the facility, equipment, and
721 personnel to determine if the requirements of this section
722 have been met. This evaluation shall be performed as provided
723 in subdivision (2) ~~of this section.~~

724 ~~(2)~~(c) (1) Each dentist who is licensed to practice
725 dentistry in the state and who desires to continue to use
726 parenteral sedation shall make application to the board on the
727 prescribed form ~~to the board~~. If he or she meets the
728 requirements of this section, or currently holds a valid



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729 intravenous sedation permit, he or she shall be issued such a
730 permit subject to all renewal and regulatory requirements of
731 Section 34-9-64. If the applicant does not meet the
732 requirements of ~~paragraph a. of subdivision (1) of this~~
733 ~~section~~subdivision (b) (2), or does not currently hold a valid
734 intravenous sedation permit, he or she may be entitled to a
735 "parenteral sedation permit" if the applicant passes, ~~to the~~
736 ~~satisfaction of the board,~~ an on-site inspection to the
737 board's satisfaction. The inspection shall ascertain ~~that~~
738 whether the dentist has a properly equipped facility for the
739 administration of parenteral sedation, staffed with a
740 supervised team of auxiliary personnel capable of reasonably
741 assisting the dentist with incidental procedures, problems,
742 and emergencies.

743 ~~The board, in (2) In~~ conducting the on-site inspection
744 and evaluations required in this ~~section~~subsection, the board
745 shall appoint a team of ~~up to three~~ examiners ~~who shall be~~
746 ~~dentists certified to administer parenteral sedation in~~
747 ~~accordance with this article.~~ The team of examiners shall
748 consist of at least one licensed dentist who holds a
749 parenteral sedation permit and at least two other persons as
750 prescribed by the board pursuant to its rules.

751 ~~(3) A dentist utilizing parenteral sedation and the~~
752 ~~auxiliary personnel of the dentist shall be currently~~
753 ~~certified in cardiopulmonary resuscitation and the dentist~~
754 ~~shall be trained in advanced cardiac life support~~ (d) A dentist
755 utilizing parenteral sedation shall have successfully
756 completed training in Advanced Cardiovascular Life Support



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757 (ACLS), and his or her auxiliary personnel shall have
758 successfully completed training in Basic Life Support (BLS).

759 ~~(4)~~ (e) Each dentist who has not been using parenteral
760 sedation, pending complete processing of an application and a
761 thorough on-site evaluation, may be granted one temporary
762 provisional permit by the board at a time, if the applicant
763 produces evidence that he or she has complied with this
764 section."

765 "§34-9-86

766 ~~The board, prior~~ Prior to issuance of a permit for oral
767 conscious sedation, the board may require an on-site
768 inspection of the personnel, the facility, and the equipment
769 to determine if the requirements of this article have been
770 met. ~~The inspection team shall be determined by the board and~~
771 ~~shall reflect the principles of peer review~~ The on-site
772 inspection shall be conducted by an investigator employed by
773 the board pursuant to Section 34-9-3 or by such other
774 individuals as prescribed by the board pursuant to its rules."

775 Section 2. This act shall become effective on the first
776 day of the third month following its passage and approval by
777 the Governor, or its otherwise becoming law.



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House of Representatives

781 Read for the first time and referred11-Apr-23
782 to the House of Representatives
783 committee on Boards, Agencies and
784 Commissions
785
786 Read for the second time and placed11-May-23
787 on the calendar:
788 1 amendment
789
790 Read for the third time and passed18-May-23
791 as amended
792 Yeas 100
793 Nays 0
794 Abstains 4
795
796

John Treadwell
Clerk

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798
799