

1 HB413  
2 216759-5  
3 By Representative Scott  
4 RFD: Health  
5 First Read: 24-FEB-22

1  
2 ENROLLED, An Act,

3 Relating to dental education; to amend Sections  
4 16-47-76, 16-47-77, 16-47-78, 16-47-79, 16-47-80, and  
5 16-47-81, Code of Alabama 1975; to rename and revise the  
6 powers, duties, and membership of the Board of Dental  
7 Scholarship Awards; to authorize the board to make loans to  
8 dental students; and to provide for repayment of the loans.  
9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 16-47-76, 16-47-77, 16-47-78,  
11 16-47-79, 16-47-80, and 16-47-81, Code of Alabama 1975, are  
12 amended to read as follows:

13 "§16-47-76.

14 "(a) There is ~~hereby~~ created and established a board  
15 to be known as the Board of Dental Scholarship and Loan  
16 Awards, which shall ~~be authorized and required to~~ establish  
17 scholarships and loans to provide for and further dental  
18 education and training, in pursuance of a dental degree, of  
19 qualified applicants for admission to the University of  
20 Alabama School of Dentistry or any other dental school  
21 accredited by the Council on Dental Education of the American  
22 Dental Association. The board shall give first priority to  
23 Alabama ~~students~~ residents who will attend dental school in  
24 Alabama. In no event shall awards to students attending  
25 out-of-state dental schools exceed the amount of awards

1 available to students attending the University of Alabama  
 2 School of Dentistry.

3 "(b) The board also shall establish the Alabama  
 4 Dental Service Program as set out in Sections 16-47-77 through  
 5 16-47-81.

6 "(c) The board shall also establish the Alabama  
 7 Rural Dental Health Scholars Program for the purpose of  
 8 awarding scholarships to high school students who are  
 9 interested in the practice of dentistry in rural areas. ~~Also,~~  
 10 ~~the board shall establish the Rural Dental Scholars Program~~  
 11 ~~for dental students and shall award scholarships and~~  
 12 ~~reimbursements for expenses for such dental students.~~

13 "(d) The board shall ~~promulgate~~ adopt rules for the  
 14 implementation and administration of the programs.

15 "(e) The board shall be composed of all of the  
 16 following members:

17 "(1) the Secretary A member of the Alabama Dental  
 18 Association, ~~who shall serve as chairman of the board,~~  
 19 appointed by the board of the Alabama Dental Association.

20 "(2) one One dentist elected from each component  
 21 society of the Alabama Dental Association, whose terms of  
 22 office shall be staggered, two dentists being elected for a  
 23 term of one year, two dentists being elected for a term of two  
 24 years, two dentists being elected for a term of three years,  
 25 and two dentists being elected for a term of four years, and

1 at the end of each term of office, successors shall be elected  
2 for a term of four years~~7~~.

3 "~~(3) the~~ The Director of the Bureau of Dental Office  
4 of Oral Health of the Alabama Department of Public Health  
5 Department of Alabama~~7~~.

6 "~~(4) the~~ The Dean of the University of Alabama  
7 School of Dentistry or his or her designee~~7~~.

8 "~~(5) and the~~ The Chairman of the University of  
9 Alabama School of Dentistry Admissions Committee.

10 "~~(f)~~ The membership of the board shall be inclusive  
11 and reflect the racial, gender, geographic, urban, rural, and  
12 economic diversity of the state. The board shall annually  
13 report to the Legislature, by the second legislative day of  
14 each regular session, the extent to which the board has  
15 complied with the diversity requirements of this subsection.

16 "~~(f)~~ (g) Annually, the board shall elect a chair  
17 from among its members. Fifty percent of the members of the  
18 board shall constitute a quorum for the transaction of  
19 business at meetings.

20 "~~(g)~~ (h) Members of the board may participate in a  
21 meeting of the board by means of telephone conference, video  
22 conference, or similar communications equipment by means of  
23 which all persons participating in the meeting may hear each  
24 other at the same time. Participation by these means shall

1 constitute presence in person at a meeting for all purposes,  
2 including constituting a quorum.

3 "§16-47-77.

4 "(a) The Board of Dental Scholarship ~~awards~~ and Loan  
5 Awards ~~shall have power and authority to make~~ may adopt  
6 reasonable rules ~~and regulations~~ not inconsistent with the  
7 laws of this state as may be necessary for the regulation of  
8 its proceedings and for the discharge of the duties imposed on  
9 it.

10 "(b) The board shall receive and review all  
11 applications for ~~scholarship loans and awards, and for loans~~  
12 ~~awarded under the Alabama Dental Service Program,~~ scholarships  
13 and loans, shall make a careful and thorough investigation of  
14 the ability, character, and qualifications of each applicant,  
15 and shall be responsible for the further administration of the  
16 ~~scholarship loans and awards and of the program~~ scholarships  
17 and loans, subject to the provisions of this article. ~~Also,~~  
18 ~~the board annually shall report on the condition and~~  
19 ~~accomplishments of the program to the Governor, Lieutenant~~  
20 ~~Governor, Speaker of the House, President Pro-Tem of the~~  
21 ~~Senate and the chairs of the House and Senate health~~  
22 ~~committees. The report shall include for the reporting year~~  
23 ~~the locations where participants agreed to serve, or where~~  
24 ~~dentists were serving, to repay program loans. The report also~~  
25 ~~shall include for the reporting year the number of~~

1 ~~participating dentists who demonstrated to the board's~~  
2 ~~satisfaction that an average of at least 20 percent of his or~~  
3 ~~her active patients were indigent or covered by Medicaid, and~~  
4 ~~the number of participating dentists who demonstrated to the~~  
5 ~~board's satisfaction that an average of at least 30 percent of~~  
6 ~~his or her active patients were indigent or covered by~~  
7 ~~Medicaid.~~

8 "(c) The board shall annually calculate by  
9 geographic area a Dental Shortage Index by dividing the number  
10 of practicing dentists needed to meet the minimum number  
11 according to the federal standard used to determine Dental  
12 Health Care Professional Shortage Areas by the recommended  
13 minimum number of dentists for that geographic area.

14 "(d) (1) Annually on or before the first day of  
15 December, the board shall file a report on the condition,  
16 performance, and accomplishments of the awards programs to the  
17 Governor, Lieutenant Governor, Speaker of the House of  
18 Representatives, President Pro Tempore of the Senate, the  
19 chairs of the House and Senate Health Committees, the chairs  
20 of the Senate Committee on Finance and Taxation-Education and  
21 the House Ways and Means-Education Committee, the Deputy  
22 Director of the Legislative Services Agency-Fiscal Division,  
23 and the Finance Director.

1           "(2) The board shall work with the Alabama  
2           Commission on the Evaluation of Services to develop, track,  
3           and collect the data and information necessary for the report.

4           "(e) Any appropriation made to the Board of Dental  
5           Scholarship and Loan Awards or otherwise received by the board  
6           remaining at the end of any fiscal year shall remain with the  
7           board and shall not revert to any other fund.

8           "§16-47-78.

9           "(a) The board shall establish ~~four~~ two types of  
10          ~~scholarships~~ awards as follows:

11          ~~"(1) A number of loans equal to 20 percent of the~~  
12          ~~number of students enrolled in the University of Alabama~~  
13          ~~School of Dentistry, based on the economic need and scholastic~~  
14          ~~ability of the applicant, in an amount not to exceed the~~  
15          ~~annual tuition per annum or four times that amount over a~~  
16          ~~four-year period, shall be available to any bona fide resident~~  
17          ~~of Alabama of good character who has been accepted for~~  
18          ~~matriculation by the University of Alabama School of Dentistry~~  
19          ~~or any other educational institution accredited by the~~  
20          ~~Commission on Dental Accreditation of the American Dental~~  
21          ~~Association. This section shall also apply to graduate~~  
22          ~~students at the discretion of the board.~~

23          ~~"(2) A number of nonrefundable merit scholarship~~  
24          ~~awards equal in number to five percent of the number of~~  
25          ~~students enrolled in the University of Alabama School of~~

1 ~~Dentistry, in an amount not to exceed the annual tuition per~~  
2 ~~annum or four times that amount over a four-year period, shall~~  
3 ~~be available to outstanding students, one fourth of which~~  
4 ~~shall be awarded each year to members of the entering class at~~  
5 ~~the University of Alabama School of Dentistry, who, in the~~  
6 ~~judgment of the board, have the highest scholastic achievement~~  
7 ~~in undergraduate studies, sufficient dental aptitude,~~  
8 ~~excellence of character, and other pertinent qualifications.~~

9           ~~"(3)(1)~~ A number of loans or nonrefundable  
10 scholarships for the Alabama Rural Dental Health Scholars  
11 Program established pursuant to Section 16-47-76 and operated  
12 by the College of Community Health Sciences at the University  
13 of Alabama and supported by the University of Alabama School  
14 of Dentistry.

15           ~~"(4)~~ A number of scholarships and reimbursements for  
16 expenses for dental students in the Rural Dental Scholars  
17 Program established pursuant to Section 16-47-76.

18           ~~"(b)~~ Any appropriations made pursuant to Sections  
19 16-47-76 through 16-47-81, or funds received by the Board of  
20 Dental Scholarship Awards remaining at the end of any fiscal  
21 year shall remain with the board and not revert to any other  
22 fund. This section shall have retroactive effect to September  
23 30, 2005.

24           ~~"(c)(1)(2)~~ The board shall operate the Alabama  
25 Dental Service Program, under which loans may be awarded by

1 the board to applicants of good character who are enrolled in  
2 the University of Alabama School of Dentistry or any other  
3 educational institution accredited by the Commission on Dental  
4 Accreditation of the American Dental Association or have  
5 recently completed a dental education or residency program,  
6 ~~but only to applicants who have agreed in writing to a~~  
7 ~~contract as provided in subsection (d) of Section 16-47-79.~~

8 Loans awarded under the program shall be based in part on the  
9 economic need and scholastic ability of each applicant. For  
10 applicants it approves to participate in the program, the  
11 board may award each participant, ~~for as many as four years,~~  
12 ~~an annual~~ a loan worth up to the annual cost of four-year cost  
13 of attendance based on in-state tuition and required fees at  
14 the University of Alabama School of Dentistry.

15 ~~"(2) The program shall be funded by direct~~  
16 ~~appropriation from the Education Trust Fund.~~

17 "(b) The board may continue to make scholarship and  
18 loan awards in the same amount and under the same terms to any  
19 recipient who received a scholarship or loan from the board  
20 prior to the effective date of the act adding this subsection.

21 "§16-47-79.

22 ~~"(a) Scholarships extended under subdivisions (1)~~  
23 ~~and (3) of subsection (a) of Section 16-47-78 shall be repaid~~  
24 ~~following graduation either in cash as is provided under~~  
25 ~~subsection (b) or under the terms of a contract to serve in a~~

1 ~~needy area in Alabama for a term to be specified by the board~~  
2 ~~as provided in subsection (c). Any moneys received from~~  
3 ~~recipients in repayment of a scholarship loan under~~  
4 ~~subsections (b) and (c) shall upon receipt thereof be retained~~  
5 ~~by the Board of Scholarship Awards to be used for funding of~~  
6 ~~future scholarships. The board shall establish a separate fund~~  
7 ~~for these purposes.~~

8 ~~"(b) Scholarship loans to be repaid under this~~  
9 ~~subsection shall be repaid to the Board of Dental Scholarship~~  
10 ~~Awards in full at an interest rate of six percent per annum~~  
11 ~~from the date of graduation from dental school. Payments are~~  
12 ~~to be made annually, the first of which is due one year after~~  
13 ~~the recipient enters the practice of dentistry or one year~~  
14 ~~after completion of specialty training, whichever occurs~~  
15 ~~first. Repayment in full shall be completed within eight years~~  
16 ~~from initiation of repayment. Any recipient who fails for any~~  
17 ~~reason to continue his or her dental education shall repay all~~  
18 ~~loan amounts in accordance with terms and conditions~~  
19 ~~established by the Board of Dental Scholarship Awards. The~~  
20 ~~interest rate on such unpaid loan amounts shall be fixed at~~  
21 ~~six percent per annum from date of his or her departure or~~  
22 ~~removal from dental school.~~

23 ~~"(c) Scholarship loans to be repaid under this~~  
24 ~~subsection shall be repaid by service in one of the following~~

1 ~~ways, subject to approval of the Board of Dental Scholarship~~  
2 ~~Awards:~~

3 ~~"(1) Practice for a four-year period in a community~~  
4 ~~of less than 5,000 population in which the dentist-population~~  
5 ~~ratio is less than one to 3,000 and the community is at least~~  
6 ~~30 miles from a city of 50,000 population. This mileage~~  
7 ~~requirement may be waived by the board in its discretion in~~  
8 ~~individual cases.~~

9 ~~"(2) Practice for a five-year period in a community~~  
10 ~~of more than 5,000 population and less than 15,000 population~~  
11 ~~which has been deemed by the Board of Dental Scholarship~~  
12 ~~Awards to be critically in need of additional dental~~  
13 ~~practitioners.~~

14 ~~"(3) Practice for a five-year period in a community~~  
15 ~~of more than 15,000 but less than 100,000 population which has~~  
16 ~~been deemed by the Board of Dental Scholarship Awards to be~~  
17 ~~critically in need of additional dental practitioners, and~~  
18 ~~repayment of one half the loan plus six percent interest per~~  
19 ~~annum in five annual payments, beginning at the end of the~~  
20 ~~first year of practice.~~

21 ~~"(4) Practice for five years in a position in~~  
22 ~~Alabama in public health or as a dentist in a state~~  
23 ~~institution approved by the Board of Dental Scholarship~~  
24 ~~Awards.~~

1           ~~"(5) For loans of less than four years of study, the~~  
2           ~~annual tuition service repayment may be prorated for each year~~  
3           ~~tuition is received.~~

4           ~~"(6) Recipients who elect a service-type repayment~~  
5           ~~pursuant to one of the preceding subdivisions (1), (2), (3),~~  
6           ~~or (4) shall make repayment in cash plus six percent interest~~  
7           ~~per annum on a prorated basis as determined by the Board of~~  
8           ~~Dental Scholarship Awards for any portion of this obligation~~  
9           ~~which is not fulfilled.~~

10           ~~"(d)(1)(a) As a condition of approval by the board~~  
11           ~~of a loan or loans under the Alabama Dental Service Program,~~  
12           ~~each applicant shall enter into a written contract with the~~  
13           ~~board, whereby the applicant shall agree to repay each annual~~  
14           ~~loan received under the program by working, in full-time~~  
15           ~~clinical practice as a licensed dentist in an area of critical~~  
16           ~~need approved by the board, for 18 months, or 15 months if the~~  
17           ~~dentist demonstrated to the board's satisfaction that an~~  
18           ~~average of at least 20 percent of his or her active patients~~  
19           ~~were indigent or covered by Medicaid during that time, or 12~~  
20           ~~months if the dentist demonstrated to the board's satisfaction~~  
21           ~~that an average of at least 30 percent of his or her active~~  
22           ~~patients were indigent or covered by Medicaid during that time~~  
23           ~~for five years. Each dentist repaying loans from the program~~  
24           ~~by working in an area of critical need shall participate in~~  
25           ~~the state Medicaid program.~~

1           ~~"An applicant who has signed such a contract with~~  
2 ~~the board may postpone choosing an area of critical need in~~  
3 ~~which to work to a time set by the board.~~

4           ~~"(2) A participant in the program, subject to~~  
5 ~~approval by the board, may change the area of critical need~~  
6 ~~where he or she will work to repay loans under this program,~~  
7 ~~but in no case shall the participant work in full-time~~  
8 ~~practice for less than four years in the new area of critical~~  
9 ~~need.~~

10          ~~"(3) An area of critical need shall be an area in~~  
11 ~~Alabama with a critical need, as determined by the board, for~~  
12 ~~dentists, and shall not be a part of, or within five miles of,~~  
13 ~~an urbanized area as defined most recently by the U.S. Census~~  
14 ~~Bureau. The board shall adopt rules under the Administrative~~  
15 ~~Procedure Act to implement this section.~~

16          ~~"(4) Each dentist repaying loans from the program by~~  
17 ~~working in an area of critical need shall participate in the~~  
18 ~~state Medicaid program.~~

19          "(b) If the participant can demonstrate to the  
20 board's satisfaction that at least 30 percent of the  
21 participant's active patients were indigent or covered by  
22 Medicaid during the previous year, the participant shall  
23 receive an additional three months of service credit.

24          "(c) Subject to approval by the board, a participant  
25 in the program may change the area of critical need where he

1 or she will work to repay loans under the program, but in no  
2 case shall the participant work in full-time practice for less  
3 than four years in the new area of critical need.

4 "(d) (1) An area of critical need shall be an area in  
5 Alabama with a rate above 49 percent under the most recent  
6 Dental Shortage Index. The board may also consider the  
7 percentage of practicing dentists in a geographic area that  
8 are over the age of 65 in determining an area of critical  
9 need.

10 "(2) In no event shall a shortage area be considered  
11 an area of critical need unless it is determined to be a  
12 shortage area pursuant to the most recent Dental Shortage  
13 Index or is one of the top 40 percent of geographic areas most  
14 in need of a dentist as determined by the board.

15 "(e) The board may allow a participant in the  
16 Alabama Dental Service Program to serve part time in an area  
17 of critical need that is one of the top eight percent of areas  
18 most in need of a dentist under the most recent Dental  
19 Shortage Index. The participant must spend an average of 20  
20 hours a week on an annual basis practicing direct patient care  
21 in the designated county for a minimum of five years to  
22 qualify for full forgiveness of the loan.

23 "§16-47-80.

24 "(a) Each recipient of a ~~scholarship~~ loan under the  
25 provisions of this article shall enter into a contract with

1 the Board of Dental Scholarship and Loan Awards whereby he or  
2 she agrees to repay the ~~scholarship~~ loan in a manner  
3 prescribed by the board not inconsistent with any provision of  
4 this article. Breach of contract by the recipient shall make  
5 ~~him or her~~ the recipient immediately liable for the unpaid  
6 balance of the loan and shall constitute a ground for the  
7 revocation of ~~his or her~~ the recipient's certificate or  
8 license to practice dentistry in the State of Alabama. In the  
9 event of death or total and permanent disability of the  
10 recipient to engage in the practice of dentistry, repayment of  
11 the loan may be excused by the board.

12 "(b) The contract shall provide that if a breach of  
13 contract occurs prior to completion of the repayment  
14 obligations set forth in this article, a penalty equal to 100  
15 percent of the remaining principal amount of all loans  
16 received by the recipient shall be assessed.

17 "(c) The Attorney General of Alabama, upon request  
18 of the Board of Dental Scholarship and Loan Awards, shall  
19 institute proceedings in the name of the state for the purpose  
20 of recovering any amount due the state under the provisions of  
21 this article. All proceedings involving default or dispute of  
22 the contract shall be brought in the appropriate court of  
23 jurisdiction in Montgomery County, Alabama. The proceedings to  
24 have ~~such~~ the dentist's certificate or license revoked shall  
25 be commenced upon the written complaint of the Board of Dental

1 Scholarship and Loan Awards to the State Board of Dental  
2 Examiners. The proceedings shall be in accordance with the  
3 provisions of Alabama law pertaining to the revocation of  
4 licenses to practice dentistry. Notwithstanding any other  
5 provision of this section, applicants and participants in the  
6 Alabama Dental Service Program shall repay loans as called for  
7 in written contracts outlined in ~~subsection 16-47-79(d)~~  
8 Section 16-47-79.

9 ~~"(b) In addition to penalties for breach of contract~~  
10 ~~outlined above in this section, participants in the program~~  
11 ~~shall pay an additional penalty for breach of contract as~~  
12 ~~specified:~~

13 ~~"(1) For breach of contract under which a year's~~  
14 ~~worth of loans has been received, a penalty equal to 20~~  
15 ~~percent of the total principal amount of the loan.~~

16 ~~"(2) For breach of contract under which two years'~~  
17 ~~worth of loans have been received, a penalty equal to 30~~  
18 ~~percent of the total principal amount of the loan.~~

19 ~~"(3) For breach of contract under which three years'~~  
20 ~~worth of loans have been received, a penalty equal to 40~~  
21 ~~percent of the total principal amount of the loan.~~

22 ~~"(4) For breach of contract under which four years'~~  
23 ~~worth of loans have been received, a penalty equal to 50~~  
24 ~~percent of the total principal amount of the loan.~~

1           "~~(5) If breach of contract occurs after graduation~~  
2 ~~from dental school but prior to completion of the repayment~~  
3 ~~obligation set forth in Section 16-47-79(d), a penalty equal~~  
4 ~~to 100 percent of the total principal amount of all loans~~  
5 ~~received by the participant from the program.~~

6           "§16-47-81.

7           "Any incorporated or unincorporated municipality or  
8 locality in the state having a population of less than 100,000  
9 desiring additional dentists and wishing to be designated as a  
10 locality needing additional dentists may apply to the Board of  
11 Dental Scholarship and Loan Awards to be placed on a list of  
12 localities in need of additional dentists, which shall be  
13 maintained by the board. ~~Such~~ The application may be made  
14 either by the municipal governing body or by a petition signed  
15 by at least one twentieth of the qualified electors of the  
16 municipality or locality. If the Board of Dental Scholarship  
17 and Loan Awards determines that ~~such~~ the locality is in need  
18 of dentists, it shall place the locality on the list of  
19 localities in need of dentists from which recipients of  
20 scholarships may upon graduation select an area in which to  
21 practice. In compiling and maintaining the list, the board may  
22 place any locality thereon which, in its opinion, needs  
23 additional dentists. A locality on the list shall qualify as a  
24 place where participants in the Alabama Dental Service Program  
25 may work to repay loans awarded by the program ~~only if the~~

1 ~~locality also is defined as an area of critical need as~~  
2 ~~outlined in subdivision 16-47-79(d)(3)."~~

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

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 30-MAR-22, as amended.

Jeff Woodard  
Clerk

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Senate

07-APR-22

Passed

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