

1 HB451
2 129801-4
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11 Hammon, Mask, Chesteen, Greeson, Shiver, Johnson (K), Laird,
12 Coleman, Black, Warren, Hurst, Moore (B), Bridges, Jones,
13 DeMarco, Boman, Boothe, Greer, Johnson (R), Long, Millican and
14 Williams (J)
15 RFD: Children and Senior Advocacy
16 First Read: 05-APR-11

1
2 ENROLLED, An Act,

3 Relating to the practice of dentistry and dental
4 hygiene; to amend Sections 34-9-2, 34-9-3, 34-9-5, 34-9-6,
5 34-9-6.1, 34-9-7, 34-9-8, 34-9-9, 34-9-10, 34-9-13, 34-9-15,
6 34-9-15.1, 34-9-16, 34-9-18, 34-9-20, 34-9-21, 34-9-22,
7 34-9-24, 34-9-26, 34-9-27, 34-9-28, 34-9-40, 34-9-41, 34-9-43,
8 34-9-44, 34-9-60, 34-9-63, 34-9-82, and 34-9-89 of the Code of
9 Alabama 1975, to provide legislative intent; to reference both
10 licensed and permitted dentists and dental hygienists; to
11 remove the maximum fine limitation for violation of the Dental
12 Practice Act; to provide for the regulation of bleaching of
13 human teeth; to provide further for the regulation of both
14 mobile dental facilities and portable dental operations; to
15 provide for dental faculty teaching certificates and dental
16 faculty special teaching permits; to specify the authority of
17 certain exempt entities to practice; to provide for the
18 operation of certain 501(c)(3) entities operating dental
19 clinics under the Dental Practice Act; to extend the time
20 limit for licensure by examination not given by the board and
21 for licensure after clinical residency or military service; to
22 provide further for the submission of affidavits by licensed
23 practitioners; to provide an inactive status for special
24 purpose licensees to practice across state lines; to provide
25 for registration by electronic format; to specify that the

1 requirement for a dentist to release records survives the sale
2 of his or her practice; to delete the minimum fee schedule; to
3 provide maximum fees for special purpose licensure renewal,
4 dental faculty special teaching permit fees, and mobile dental
5 facility/portable dental operation application for certificate
6 of registration and renewal fees; to increase the dental
7 hygiene annual registration fee; to allow the board to
8 discipline licensees for using fraud or deceit to obtain a
9 license or for prescribing a drug for any condition not
10 dentally related; to increase board imposed administrative
11 fines; to revise certain antiquated terminology; to require
12 licensee changes in address or employment to be reported to
13 the board in writing; to provide for the electronic submission
14 of ballots for the election of board members; to provide
15 further for the election process; to provide further for the
16 employment of board staff; to remove the requirement that
17 investigators be paid a subsistence allowance by the board; to
18 provide that an applicant may reapply for a permit to use
19 anesthesia after the correction of deficiencies in an original
20 evaluation and inspection by examiners; to require a dentist
21 utilizing parenteral sedation to be trained in advanced
22 cardiac life support; to require written informed consent of a
23 patient or guardian before undergoing a procedure using a
24 sedative agent; to add Section 34-9-7.2 to the Code of Alabama
25 1975, to require 501(c)(3) entities operating dental clinics

1 to register with the State Board of Dental Examiners; to
 2 require 501(c) (3) entities operating dental clinics to have
 3 licensed dentists serving as chief of dental services for all
 4 clinics; and to require professional employees of the clinics
 5 to otherwise comply with the dental licensing law.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 34-9-2, 34-9-3, 34-9-5, 34-9-6,
 8 34-9-6.1, 34-9-7, 34-9-8, 34-9-9, 34-9-10, 34-9-13, 34-9-15,
 9 34-9-15.1, 34-9-16, 34-9-18, 34-9-20, 34-9-21, 34-9-22,
 10 34-9-24, 34-9-26, 34-9-27, 34-9-28, 34-9-40, 34-9-41, 34-9-43,
 11 34-9-44, 34-9-60, 34-9-63, 34-9-82, and 34-9-89 of the Code of
 12 Alabama 1975, are amended to read as follows:

13 "§34-9-2.

14 "(a) The Legislature hereby declares that the
 15 practice of dentistry ~~affects~~ and the practice of dental
 16 hygiene affect the public health, safety, and welfare and
 17 should be subject to regulation. It is further declared to be
 18 a matter of public interest and concern that the dental
 19 profession merit and receive the confidence of the public and
 20 that only qualified dentists be permitted to practice
 21 dentistry and only qualified dental hygienists be permitted to
 22 practice dental hygiene in the State of Alabama. All
 23 provisions of this chapter relating to the practice of
 24 dentistry and dental hygiene shall be liberally construed to
 25 carry out these objects and purposes.

1 "(b) The Legislature also finds and declares that,
2 because of technological advances and changing practice
3 patterns, the practice of dentistry and the practice of dental
4 hygiene is occurring with increasing frequency across state
5 lines and that the technological advances in the practice of
6 dentistry and in the practice of dental hygiene are in the
7 public interest.

8 "(c) The Legislature further finds and declares that
9 the practice of dentistry ~~is~~ and the practice of dental
10 hygiene are each a privilege. The licensure by this state of
11 nonresident dentists who engage in dental practice and persons
12 who engage in the practice of dental hygiene within this state
13 ~~is~~ are within the public interest. The ability to discipline
14 the nonresident dentists and dental hygienists who engage in
15 dental practice in this state is necessary for the protection
16 of the citizens of this state and for the public interest,
17 health, welfare, and safety.

18 "§34-9-3.

19 "It shall be unlawful for any person to practice
20 dentistry in the State of Alabama except the following:

21 "(1) Those who are now duly licensed or permitted
22 dentists, pursuant to law.

23 "(2) Those who may be hereafter duly licensed or
24 permitted and who are currently registered as dentists,
25 pursuant to this chapter.

1 "(3) Those nonresident dentists who have been issued
2 a special purpose license to practice dentistry across state
3 lines in accordance with Section 34-9-10. This subdivision
4 shall not apply to those dentists who hold a full,
5 unrestricted, and current license or permit issued pursuant to
6 Section 34-9-8 or Section 34-9-10.

7 "§34-9-5.

8 "Any person who shall ~~practice dentistry,~~ engage in
9 the practice of dentistry across state lines~~,~~ or practice
10 dentistry or dental hygiene in this state within the meaning
11 of this chapter without having first obtained from the board a
12 license and an annual registration certificate, when the
13 certificate is required by this chapter, or who violates this
14 chapter, or who willfully violates any published rule or
15 regulation of the board, or who does any act described in this
16 chapter as unlawful, the penalty for which is not herein
17 specifically provided, shall be guilty of a misdemeanor and
18 upon conviction shall be punished by a fine of not more than
19 ~~one thousand dollars (\$1,000)~~ five thousand dollars (\$5,000)
20 for each offense, to be fixed by the court trying the case,
21 and in addition thereto may be, in the discretion of the
22 court, sentenced to hard labor for the county for a period not
23 to exceed 12 months.

24 "§34-9-6.

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

3 "(1) Performs ~~performs~~, or attempts or professes to
4 perform, any dental operation or dental service of any kind,
5 gratuitously or for a salary, fee, money or other remuneration
6 paid, or to be paid, directly or indirectly, to himself or
7 herself, or to any person in his or her behalf, or to any
8 agency which is a proprietor of a place where dental
9 operations or dental services are performed; ~~or.~~

10 "(2) Directly ~~(1) Who directly~~ or indirectly, by any
11 means or method, makes impression of the human tooth, teeth,
12 jaws or adjacent tissue, or performs any phase of any
13 operation incident to the replacement of a tooth or any part
14 thereof; ~~or.~~

15 "(3) (2) Supplies artificial substitutes for the
16 natural teeth, and who furnishes, supplies, constructs,
17 reproduces, or repairs any ~~prosthetic denture, bridge~~
18 prosthesis (fixed or removable), appliance, or any other
19 structure to be worn in the human mouth; ~~or.~~

20 "(4) Places ~~(3) Who places~~ such appliance or
21 structure in the human mouth, or adjusts, ~~or attempts,~~ or
22 professes to adjust the same, or delivers the same to any
23 person other than the dentist upon whose prescription the work
24 was performed; ~~or.~~

1 "(5) Professes ~~(4) Who professes~~ to the public by
2 any method to furnish, supply, construct, reproduce, or repair
3 any ~~prosthetic denture, bridge~~ prosthesis (fixed or
4 removable), appliance, or other structure to be worn in the
5 human mouth, or who diagnoses, or professes to diagnose,
6 prescribe for, professes to prescribe for, treats or professes
7 to treat disease, pain, deformity, deficiency, injury, or
8 physical condition of the human teeth or jaws, or adjacent
9 structure, or who extracts or attempts to extract human teeth,
10 or remove tumors, abnormal growths, or other lesions from the
11 human gums, jaws, and adjacent structures, or who operates for
12 ~~harelip or cleft~~ lip or palate, or both; or who treats
13 surgically or mechanically fractures of the human jaw; or who
14 administers local or general anesthetics in the treatment of
15 any dental lesion;~~or.~~

16 "(6) Repairs ~~(5) Who repairs~~ or fills cavities in
17 the human teeth;~~or.~~

18 "(7) Uses ~~(6) Who uses~~ a roentgenor ~~X-ray,~~
19 radiograph, or digital imaging machine for the purpose of
20 ~~taking~~ making dental ~~X-rays or~~ roentgenograms, radiographs, or
21 digital images, or who gives, or professes to give,
22 interpretations or readings of dental ~~X-ray or~~ roentgenograms,
23 radiographs, or digital images, or ~~X-ray~~ radiographic or
24 roentgen therapy;~~or.~~

1 "(8) Administers ~~(7) Who administers~~ an anesthetic
2 of any nature in connection with a dental ~~operation;~~ ~~or~~
3 procedure.

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

11 "(10) States ~~(9) Who states,~~ or professes, or
12 permits to be stated or professed by any means or method
13 whatsoever that he or she can perform or will attempt to
14 perform dental ~~operations~~ procedures, or render a diagnosis
15 connected therewith; ~~or.~~

16 "(11) Performs ~~(10) Who performs~~ any clinical
17 operation included in the curricula of recognized dental
18 colleges; provided, that members of the faculty, teachers,
19 instructors, fellows, interns, residents, dental students, and
20 student dental hygienists who are employed by or who are
21 taking courses or instructions at the University of Alabama
22 School of Dentistry or such other dental colleges, hospitals,
23 or institutions in Alabama, as may be approved by the board;
24 and provided, that the work of fellows, interns, residents,
25 dental students, and student dental hygienists is performed

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

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

17 "§34-9-6.1.

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

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

24 "(2) MOBILE DENTAL FACILITY ~~or PORTABLE DENTAL~~
 25 ~~OPERATION~~. Any self-contained facility in which dentistry or

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

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

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

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

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

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

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

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

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

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

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

24 "(6) The operator shall maintain a written procedure
 25 for emergency follow-up care for patients treated in a mobile

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

21 "(7) The mobile dental facility ~~or a portable dental~~
22 ~~operation~~ shall have communication ~~facilities~~ abilities that
23 ~~will~~ enable the operator to contact necessary parties in the
24 event of a medical or dental emergency. The communication
25 ~~facilities~~ abilities shall enable the patient or the parent or

1 guardian of the patient treated to contact the operator for
2 emergency care, follow-up care, or information about treatment
3 received. The provider who renders follow-up care must also be
4 able to contact the operator and receive treatment
5 information, including radiographs.

6 "(8) The mobile dental facility ~~or a portable dental~~
7 ~~operation~~ and the dental procedures performed therein shall
8 comply with all applicable federal and state laws and all
9 applicable rules of the board promulgated pursuant to Section
10 34-9-43.

11 "(9) Any driver of a mobile dental facility ~~or a~~
12 ~~portable dental operation~~ shall possess a valid Alabama
13 driver's license appropriate for the operation of the vehicle.
14 A copy of the driver's license of each driver shall be
15 submitted to the board at least 30 days prior to the
16 individual operating a mobile dental facility ~~or a portable~~
17 ~~dental operation~~.

18 "(10) All mobile dental facilities ~~or portable~~
19 ~~dental operations~~ authorized in this section which are a
20 vehicle or which are to be towed or otherwise transported by
21 another vehicle shall be registered in this state.

22 "(11) The operator of a mobile dental facility ~~or a~~
23 ~~portable dental operation~~ shall not perform services on a
24 minor without the signed consent from the parent or guardian
25 which form shall be established by the board. The consent form

1 shall inquire whether the prospective patient has received
2 dental care from a licensed dentist within one year and if so,
3 the consent form shall request the name, address, and phone
4 number of the dental home. If the information provided to the
5 operator does not identify a dental home for the prospective
6 patient, the operator shall contact the Alabama Medicaid
7 Agency for assistance in identifying a dental home for
8 Medicaid eligible patients. If this information is provided to
9 the operator, the operator shall contact the designated dental
10 home by phone, facsimile, or electronic mail and notify the
11 dental home of the prospective patient's interest in receiving
12 dental care from the operator. If the dental home confirms
13 that an appointment for the prospective patient is scheduled
14 with the dentist, the operator shall encourage the prospective
15 patient or his or her guardian to seek care from the dental
16 home. The consent form shall document that the patient, or
17 legal guardian, understands the prospective patient has an
18 option to receive dental care from ~~either~~ the mobile dental
19 facility ~~or portable dental operation~~ or his or her designated
20 dental home if applicable. The consent form shall require the
21 signature of a parent or legal guardian if the patient is a
22 minor.

23 "(12) Each operator of a mobile dental facility ~~or a~~
24 ~~portable dental operation~~ shall maintain a written or

1 electronic record detailing for each location where services
2 are performed all of the following information:

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

4 "b. The dates of each session.

5 "c. The number of patients served.

6 "d. The types of dental services provided and the
7 quantity of each service provided.

8 "e. Any other information requested by rule of the
9 board.

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

12 "(14) Each mobile dental facility ~~or a portable~~
13 ~~dental operation must~~ shall possess all applicable county and
14 city licenses or permits to operate at each location.

15 "(d) The mobile dental facility ~~or a portable dental~~
16 ~~operation~~ shall comply with the following physical
17 requirements and inspection criteria:

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

19 "(2) A properly functioning sterilization system.

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

22 "(4) A covered galvanized, stainless steel, or other
23 noncorrosive container for deposit of refuse and waste
24 materials.

1 ~~"(5) For operators applying for a certificate of~~
2 ~~registration after July 1, 2008, who have not been issued a~~
3 ~~certificate prior to that date, ready~~ Ready access to toilet
4 facilities which shall be located within the mobile dental
5 facility ~~or portable dental operation~~. Operators applying for
6 a certificate prior to July 1, 2008, are not required to meet
7 this requirement. Any ~~non-profit~~ governmental entity operating
8 a ~~portable~~ mobile dental operation ~~within an existing building~~
9 facility shall only be required to have ready access to toilet
10 facilities ~~within the building~~.

11 "(6) All licenses and permits as required by Section
12 34-9-13 on site.

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

14 "(8) Sharps containers and red biohazard equipment
15 available on site.

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

18 "(1) The operator shall maintain an official
19 business address which shall not be a post office box and
20 which shall be within this state and be associated with an
21 established dental facility which shall have an official
22 business address on record with the board. The address shall
23 be filed with the board as part of the application for a
24 certificate of registration.

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

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

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

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

21 "(6) The operator shall maintain a written procedure
22 for emergency follow-up care for patients treated in a
23 portable dental operation, which includes arrangements for
24 treatment in a dental facility that is permanently established
25 in the area within a 50-mile radius where services are

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

16 "(7) The portable dental operation shall have
17 communication abilities that enable the operator to contact
18 necessary parties in the event of a medical or dental
19 emergency. The communication abilities shall enable the
20 patient or the parent or guardian of the patient treated to
21 contact the operator for emergency care, follow-up care, or
22 information about treatment received. The provider who renders
23 follow-up care must also be able to contact the operator and
24 receive treatment information, including radiographs.

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

5 "(9) The operator of a portable dental operation may
6 not perform services on a minor without the signed consent
7 from the parent or guardian on a form established by the
8 board. The consent form shall request information as to
9 whether the prospective patient has received dental care from
10 a licensed dentist within one year and, if so, shall request
11 the name, address, and phone number of the dental home. If the
12 information provided to the operator does not identify a
13 dental home for the prospective patient, the operator shall
14 contact the Alabama Medicaid Agency for assistance in
15 identifying a dental home for Medicaid eligible patients. If
16 this information is provided to the operator, the operator
17 shall contact the designated dental home by phone, facsimile,
18 or electronic mail and notify the dental home of the
19 prospective patient's interest in receiving dental care from
20 the operator. If the dental home confirms that an appointment
21 for the prospective patient is scheduled with the dentist, the
22 operator shall encourage the prospective patient or his or her
23 guardian to seek care from the dental home. The consent form
24 shall document that the patient, or legal guardian,
25 understands the prospective patient has an option to receive

1 dental care from either the portable dental operation or his
2 or her designated dental home, if applicable. The consent form
3 shall require the signature of a parent or legal guardian if
4 the patient is a minor.

5 "(10) Each operator of a portable dental operation
6 shall maintain a written or electronic record detailing for
7 each location where services are performed all of the
8 following information:

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

10 "b. The dates of each session.

11 "c. The number of patients served.

12 "d. The types of dental services provided and the
13 quantity of each service provided.

14 "e. Any other information requested by rule of the
15 board.

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

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

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

1 "(g) ~~(e)~~ The mobile dental facility or a portable
2 dental operation shall be inspected by the board or its
3 representative prior to receiving a certificate of
4 registration. Once registered, the mobile dental facility or a
5 portable dental operation shall be subject to periodic
6 unannounced audits and inspections by the board.

7 "(h) ~~(f)~~ The mobile dental facility or a portable
8 dental operation shall comply with the current recommendations
9 for infection control practices for dentistry as promulgated
10 by the Centers for Disease Control and any rule of the board
11 relating to infection control or reporting in a dental office.

12 "(i) ~~(g)~~ The initial application for a certificate
13 of registration shall include the full name, address, and
14 telephone number of the dentists and dental hygienists working
15 at the facility or operation. The initial application for a
16 certificate of registration shall also include proof of
17 insurance from a licensed insurance carrier that the operator
18 has in force at least one million dollars (\$1,000,000) of
19 general liability insurance. The operator shall be required to
20 maintain one million dollars (\$1,000,000) of general liability
21 insurance at all times for which the mobile dental facility or
22 portable dental operation is licensed by the Board of Dental
23 Examiners. Governmental entities which operate mobile dental
24 facilities or portable dental operations shall not be required
25 to have or maintain any amount of general liability insurance.

1 The operator shall advise the board in writing within 15 days
2 of any change in the employment of any dentist or dental
3 hygienist working at the facility or operation.

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

8 "(k) ~~(i)~~ The operator shall notify the board in
9 writing within 10 days of any change in the procedure for
10 emergency follow-up care as provided in subdivision (6) of
11 subsection (c).

12 "(l) ~~(j)~~ At the conclusion of each patient's visit
13 to the mobile dental facility or a portable dental operation,
14 the patient shall be provided with a patient information sheet
15 which shall also be provided to any individual or entity to
16 whom the patient has consented or authorized to receive or
17 access the patient's records. The information sheet shall
18 include at a minimum the following information:

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

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

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

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

6 "(m) ~~(k)~~ In the event a mobile dental facility or a
7 portable dental operation is to be sold, the current operator
8 shall inform the board and the Alabama Medicaid Agency, if the
9 operator is an Alabama Medicaid enrolled provider, at least 10
10 days prior to the sale being completed and shall be required
11 to disclose the purchaser to the board and the Alabama
12 Medicaid Agency, if the operator is an Alabama Medicaid
13 enrolled provider, via certified mail within 10 days after the
14 date the sale is finalized. The operator of a mobile dental
15 facility or a portable dental operation shall notify the board
16 and the Alabama Medicaid Agency, if the operator is an Alabama
17 Medicaid enrolled provider, at least 30 days prior to
18 cessation of operation. Such notification shall include the
19 final day of operation and a copy of the notification shall be
20 sent to all patients and shall include the manner and
21 procedure by which patients may obtain their records or
22 transfer those records to another dentist. It is the
23 responsibility of the operator to take all necessary action to
24 insure that the patient records are available to the patient,
25 a duly authorized representative of the patient, or a

1 subsequent treating dentist. For purposes of this subsection,
2 a patient shall mean any individual who has received any
3 treatment or consultation of any kind within two years of the
4 last date of operation of the mobile dental facility or a
5 portable dental operation.

6 "(n) ~~(i)~~ A mobile dental facility or a portable
7 dental operation that accepts or treats a patient but does not
8 refer patients for follow-up ~~treatment~~ care when such
9 follow-up ~~treatment~~ care is clearly necessary, shall be
10 considered to have abandoned the patient and will subject the
11 operator and any dentist or dental hygienist, or both, who
12 fails to provide the referenced follow-up ~~treatment~~ care to
13 disciplinary action by the board.

14 "(o) ~~(m)~~ In addition to the requirements of this
15 section, any operator, dentist, or dental hygienist working or
16 performing any services at a mobile dental facility or a
17 portable dental operation shall be subject to the provisions
18 of this chapter. Any violation of the provisions of this
19 section shall subject the operator, dentist, or dental
20 hygienist to the penalties provided in Section 34-9-18, and no
21 order imposing penalties pursuant to Section 34-9-18 shall be
22 made or entered except after notice and hearing by the board
23 with any such order being subject to judicial review.

24 "(p) ~~(n)~~ The board may promulgate rules to implement
25 and enforce ~~the provisions of~~ this section.

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

13 "(r) This ~~(o)~~ ~~The provisions of this~~ section shall
14 not apply to any existing Jefferson County Department of
15 Health mobile dental facilities ~~or portable dental operations~~
16 that have been in service providing dental care within
17 Jefferson County prior to December 31, 2007.

18 "(s) ~~(p)~~ This section shall not apply to any mobile
19 dental facility or portable dental operation which is operated
20 during a state of emergency declared by the Governor as
21 authorized in Section 31-9-8.

22 "(t) ~~(q)~~ It is the express intent of the Legislature
23 that no state agency, including, but not limited to, the
24 Alabama Medicaid Agency, shall restrict any mobile dental
25 facility or portable dental operation which complies with the

1 provisions outlined herein and all applicable state and
2 federal rules from participation in its programs.

3 "(u) ~~(r)~~ Notwithstanding any other provision of law,
4 any entity which is approved as tax exempt under Section
5 501(c)(3) of the Internal Revenue Code and employs dentists
6 licensed in this state shall continue to be able to employ
7 dentists licensed in this state and to provide dental services
8 in the same manner and under the same conditions as licensed
9 on June 7, 2008.

10 "§34-9-7.

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

13 "(1) The practice of his or her profession by a
14 physician or surgeon holding a certificate of qualification as
15 a medical doctor and licensed as such under the laws of this
16 state, provided he or she shall not practice dentistry as a
17 specialty.

18 "(2) The practice of dentistry in the discharge of
19 their official duties by graduate dentists or dental surgeons
20 in the United States Army, Navy, Air Force, or other armed
21 services, public health service including, but not limited to,
22 a federally qualified health center authorized and operating
23 under Section 330 of the Public Health Service Act (42 U.S.C.
24 § 254B), provided, however, that such federally qualified
25 health centers shall register pursuant to Section 34-9-7.2

1 (provided further however, dentists, dental hygienists, and
2 other personnel employed by any public health service which
3 performs dental health care for the general public under
4 programs funded in whole or part by the state or federal
5 government shall be subject to all of the provisions of this
6 chapter and the rules and regulations duly promulgated by the
7 Board of Dental Examiners governing the practice of dentistry
8 and dental hygiene in this state), Coast Guard, or Veteran's
9 Administration.

10 "(3) The practice of dentistry by a licensed dentist
11 of other states or countries at meetings of the Alabama Dental
12 Association or components thereof, or other like dental
13 organizations approved by the board, while appearing as
14 clinicians, or when appearing in emergency cases upon the
15 specific call of dentists duly licensed under this chapter.

16 "(4) The filling of prescriptions of a licensed and
17 registered dentist, as hereinafter provided, by any person or
18 persons, association, corporation, or other entity for the
19 construction, reproduction, or repair of ~~prosthetic dentures,~~
20 ~~bridges, plates, prostheses (fixed or removable)~~ or appliances
21 on a ~~model~~ cast made by or from impressions ~~taken~~ made by a
22 licensed and currently registered dentist, to be used or worn
23 as a substitute for natural teeth; provided, that the person
24 or persons, association, corporation, or other entity, shall
25 not solicit or advertise, directly or indirectly, by mail,

1 card, newspaper, pamphlet, radio, television, Internet, or
2 otherwise, to the general public to construct, reproduce, or
3 repair ~~prosthetic dentures, bridges, plates,~~ protheses (fixed
4 or removable) or other appliances to be used or worn as
5 substitutes for natural teeth.

6 "(5) The use of roentgen machines or other ~~rays~~
7 means for making ~~radiograms~~ radiographs, digital images, or
8 similar records, of dental or oral tissues under the
9 supervision of a licensed dentist or physician; provided, that
10 the services shall not be advertised by any name whatever as
11 an aid or inducement to secure dental patronage, and no person
12 shall advertise that he or she has, leases, owns, or operates
13 a roentgen or other machine for the purpose of making dental
14 ~~radiograms~~ radiographs or images, of the human teeth or
15 tissues or the oral cavity, or administering treatments
16 thereto for any disease thereof.

17 "(6) The giving of a general anesthetic by a nurse
18 anesthetist who administers a general anesthetic under the
19 direct supervision of a duly licensed dentist to a patient who
20 is undergoing dental treatment rendered by the dentist.

21 "(7) The use of a nurse in the practice of
22 professional or practical nursing, as defined in Sections
23 34-21-1 through 34-21-26, by a dentist.

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

4 "(9) A dentist who engages in the practice of
5 dentistry across state lines on an irregular or infrequent
6 basis. The "irregular or infrequent" practice of dentistry
7 across state lines is considered to occur if the practice
8 occurs less than 10 times in a calendar year or involves fewer
9 than 10 patients in a calendar year, or the practice comprises
10 less than one percent of the diagnostic or therapeutic
11 practice of the dentist.

12 "(10) A dentist or dental hygienist on active duty,
13 or performing his or her duties as a reservist in the
14 military, is not subject to any fee required for a special
15 purpose license to practice dentistry across state lines. The
16 dentist or dental hygienist shall notify the board in advance
17 of his or her participation in military activities and shall
18 forward a copy of his or her current dental license or permit,
19 or both, to the board. The dentist or dental hygienist shall
20 also provide proof of military status and any orders requiring
21 him or her to perform dental treatment services in this state.

22 "§34-9-8.

23 "(a) The board shall annually issue dental faculty
24 teaching permits to persons who are bona fide members of the
25 faculty of a dental college, if they hold a dental degree but

1 are not licensed and registered to practice dentistry or
2 dental hygiene in the state. The dean of any dental college
3 located in the state shall annually certify to the board the
4 bona fide members of the clinical faculty of the college who
5 are not licensed and registered to practice dentistry or
6 dental hygiene in the state. The board shall issue teaching
7 permits to applicants upon the certification by the dean. The
8 teaching permits shall be invalid if the holder ceases to be a
9 member of the clinical faculty of the dental college. The dean
10 of any dental college shall promptly notify the board
11 regarding changes in the faculty which affect the eligibility
12 of a faculty member to possess a teaching permit. The holder
13 of a teaching permit shall be subject to this chapter and may
14 perform all clinical operations which a person licensed to
15 practice dentistry or dental hygiene in the state is entitled
16 to perform. The operations may only be performed within the
17 facilities of the dental college ~~and~~ or any other facility
18 approved by the board as an adjunct to his or her teaching
19 functions in the college. An annual fee established pursuant
20 to this chapter shall be paid to the board when the teaching
21 permit is issued.

22 "(b) The board shall annually issue dental faculty
23 special teaching permits to persons who are bona fide members
24 of the faculty of a dental college if they hold a dental
25 degree but are not licensed and registered to practice

1 dentistry or dental hygiene in the state. The dean of any
2 dental college located in the state shall annually certify to
3 the board the bona fide members of the clinical faculty of the
4 college who are not licensed and registered to practice
5 dentistry or dental hygiene in the state. The board shall
6 issue special teaching permits to applicants upon
7 certification by the dean. The special teaching permits shall
8 be invalid if the holder ceases to be a member of the clinical
9 faculty of the dental college. The dean of any dental college
10 shall promptly notify the board regarding changes in the
11 faculty which affect the eligibility of a faculty member to
12 possess a special teaching permit. The holder of a special
13 teaching permit shall be subject to this chapter and may
14 perform all clinical operations on his or her private patients
15 which a person licensed to practice dentistry or dental
16 hygiene in the state is entitled to perform. The clinical
17 operations may only be performed within the faculty private
18 practice facilities of the dental college or any other
19 facility approved by the board. An annual fee established
20 pursuant to this chapter shall be paid to the board when the
21 special teaching permit is issued.

22 "§34-9-9.

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

1 "(1) Employ a dentist, dental hygienist, or both in
2 the operation of a dental office~~;~~.

3 "(2) Place in the possession of a dentist, dental
4 hygienist, or other agent such dental material or equipment as
5 may be necessary for the management of a dental office on the
6 basis of a lease or any other agreement for compensation for
7 the use of such material, equipment, or offices~~;~~~~or.~~

8 "(3) Retain the ownership or control of dental
9 equipment, material, or office and make the same available in
10 any manner for the use of a dentist, dental hygienist, or
11 other agent.

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

17 "(5) Nothing in this subsection shall apply to bona
18 fide sales of dental equipment, material, or office secured by
19 a chattel mortgage or retention title agreement, or to an
20 agreement for the rental of the equipment or office by bona
21 fide lease at a reasonable amount, and under which agreement
22 the licensee under this chapter maintains complete care,
23 custody, and control of the equipment and the practice.
24 Further, nothing in this subsection shall prohibit or restrict
25 persons, firms, or corporations from employing or retaining

1 licensed dentists to furnish dental treatment for their
 2 employees or dependents of their employees.

3 "(b) A prohibited business arrangement or
 4 relationship as defined in subsection (a) shall not be
 5 considered a violation of that subsection if a prohibited
 6 arrangement or relationship results from the death of a
 7 licensed dentist and is cured within 12 months of the date of
 8 the death.

9 "(c) The purpose of this section is to prevent a
 10 non-dentist from influencing or otherwise interfering with the
 11 exercise of a dentist's independent professional judgment. In
 12 addition to the acts specified in subsection (a), no person,
 13 other than a dentist licensed in accordance with this chapter,
 14 shall enter into a relationship with a person licensed under
 15 this chapter pursuant to which the unlicensed person exercises
 16 control over the ~~following:~~

17 "~~(1) The~~ selection of a course of treatment for a
 18 patient, the procedures or materials to be used as a part of
 19 such course of treatment, ~~and~~ or the manner in which such
 20 course of treatment is carried out by the licensee~~7.~~

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

25 "~~(2)~~ (1) The patient records of a dentist~~7.~~

1 "~~(3)~~(2) Policies and decisions relating to pricing,
2 credit, refunds, warranties, and advertising; ~~and.~~

3 "~~(4)~~(3) Decisions relating to office personnel and
4 hours of practice.

5 "~~(d)~~(e) Any licensed dentist or dental hygienist who
6 enters into any of the arrangements or relationships ~~described~~
7 in violation of subsection (a) or subsection (c) with an
8 unlicensed person as defined above, may be subject to any of
9 the penalties set forth in Section 34-9-18.

10 "§34-9-10.

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

24 "(b) Licensure by examination shall be applicable to
25 the following categories:

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

6 "(2) Those individuals who have successfully passed
7 an examination approved but not administered by the board so
8 long as an application for licensure is received by the board
9 within ~~18 months~~ five years of the date of notification of
10 passing such examination. All applicants shall pay a fee which
11 shall accompany the application.

12 "(c) Any individual who possesses a current license
13 in any state, who has passed an examination approved by the
14 board and who has, since graduation from dental or dental
15 hygiene school, practiced or participated in a clinical
16 residency or practiced dentistry or dental hygiene in the
17 Armed Forces or with the public health service shall be
18 eligible for licensure if an application is received by the
19 board within ~~18 months~~ five years of the completion of the
20 subject residency or Armed Forces or public health service
21 commitment. All the above applicants shall pay a fee which
22 shall accompany the application.

23 "(d) Licensure by credentials may be utilized to
24 evaluate the theoretical knowledge and clinical skill of a
25 dentist or dental hygienist when an applicant for licensure by

1 credentials holds a dental or dental hygiene license in
2 another state. The board may promulgate rules and regulations
3 relating to licensure by credentials in addition to any
4 requirements by law. An applicant for licensure by credentials
5 must meet all of the following:

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

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

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

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

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

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

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

11 "(8) The dentist applicant ~~must~~ shall submit
12 affidavits from two licensed dentists ~~or practicing in the~~
13 same geographical area where the applicant is then practicing
14 or teaching attesting to the moral character, standing, and
15 ability of the applicant. The dental hygiene applicant shall
16 submit affidavits from two licensed dentists or two licensed
17 dental hygienists practicing in the same geographical area
18 where the applicant ~~currently~~ is then practicing or teaching
19 attesting to the ~~applicant's~~ moral character, standing, and
20 ability of the applicant.

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

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

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

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

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

14 "a. Questioning under oath.

15 "b. Results of peer review reports from constituent
16 dental societies or federal dental services.

17 "c. Substance abuse testing or treatment.

18 "d. Background checks for criminal or fraudulent
19 activities.

20 "e. Participation in continuing education.

21 "f. A current certificate in cardiopulmonary
22 resuscitation.

23 "g. Recent case reports or oral defense of diagnosis
24 and treatment plans.

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

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

6 "j. Proof of professional liability coverage and
7 that coverage has not been refused, declined, cancelled,
8 nonrenewed, or modified.

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

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

24 "(14) If all criteria and requirements are satisfied
25 and the board determines, after notice and hearing, that the

1 individual committed fraud or in any way falsified any
2 information in the application process, the license may be
3 revoked by the board.

4 "(15) In addition to the requirements for applicants
5 seeking licensure by credentials, an applicant desiring to
6 practice a specialty only must meet the following
7 requirements:

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

10 "b. The applicant must meet the existing educational
11 requirements and standards set forth by the American Dental
12 Association for that approved specialty.

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

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

1 practicing a specialty, and decides not to continue that
 2 specialty and practice only general dentistry, the applicant
 3 is eligible for licensure by credentials as a general dentist.

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

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

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

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

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

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

16 "(g) Notwithstanding the provisions of this section,
17 the board shall only issue a special purpose license to
18 practice dentistry across state lines to an applicant whose
19 principal practice location and license to practice are
20 located in a state or territory of the United States whose
21 laws permit or allow for the issuance of a special purpose
22 license to practice dentistry across state lines or similar
23 license to a dentist whose principal practice location and
24 license are located in another state. It is the stated intent
25 of this section that dentists who hold a full and current

1 license in the State of Alabama be afforded the opportunity to
2 obtain, on a reciprocal basis, a license to practice dentistry
3 across state lines in any other state or territory of the
4 United States as a precondition to the issuance of a special
5 purpose license as authorized by this section to a dentist
6 licensed in the other state or territory. The board shall
7 determine which states or territories have reciprocal
8 licensure requirements meeting the qualifications of this
9 section.

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

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

21 "§34-9-13.

22 "Every practitioner of dentistry and dental hygiene
23 within the meaning of this chapter shall have in his or her
24 possession a license certificate and an annual registration
25 certificate in the office wherein he or she practices.

1 "§34-9-15.

2 "(a) No person shall practice dentistry or dental
3 hygiene in the State of Alabama unless licensed or permitted
4 by the board and registered annually as required by this
5 chapter. The secretary-treasurer of the board shall ~~mail~~ issue
6 to each licensee an initial registration form which shall
7 contain space for the insertion of name, address, date, and
8 number of license certificate, and other information as the
9 board shall deem necessary. The licensee shall sign and verify
10 the accuracy of the registration before a notary public after
11 which he or she shall forward the registration to the
12 secretary-treasurer of the board together with a fee. Each
13 subsequent registration shall be made in electronic format or
14 by United States mail upon ~~the a form as above prescribed~~
15 ~~except that it need not be verified~~ to be determined by the
16 board. On or before October 1 of each year, every dentist and
17 dental hygienist licensed to practice dentistry or dental
18 hygiene in the state shall transmit either online or by United
19 States mail to the secretary-treasurer of the board the
20 completed form prescribed by the board, together with a fee
21 established by the board pursuant to this chapter, and receive
22 ~~therefor~~ thereafter the current annual registration
23 certificate authorizing him or her to continue the practice of
24 dentistry or dental hygiene in the state for a period of one
25 year. Any license ~~and license certificate~~ or permit previously

1 granted under the authority of this chapter or any prior
2 dental practice act shall automatically be suspended if the
3 holder thereof fails to secure the annual registration
4 certificate before January 1, each year. Any dentist or dental
5 hygienist whose license or permit is automatically suspended
6 by reason of failure, neglect, or refusal to secure the annual
7 registration certificate shall be reinstated by the board upon
8 payment of the penalty fee plus all accrued annual
9 registration fees up to a maximum of five years, accompanied
10 with the prescribed form for annual registration of the
11 license or permit. Upon failure of any licensee or permittee
12 to file application for the annual registration certificate
13 and pay the annual registration fee on or before November 30,
14 each year, the board shall notify the licensee or permittee by
15 mail addressed to the last address of record that the
16 application and fee have not been received and that, unless
17 the application and fee are received on or before the first
18 day of January, the license ~~and license certificate~~ or permit
19 shall be automatically suspended. The board shall notify the
20 licensee or permittee by mail addressed to the last address of
21 record of the effective date of the automatic suspension and
22 the provisions for registration of the license or permit. The
23 board shall waive the annual payment of fees herein provided
24 for and issue a current annual registration certificate to any
25 licensee or permittee who, because of age or physical

1 disability, has retired from the practice of dentistry or
2 dental hygiene or who is suffering a malady of a lingering or
3 permanent nature. The board by rule shall waive annual
4 registration and the payment of fees while any licensee is on
5 temporary active duty with any of the Armed Forces of the
6 United States. The waiver of fees herein provided shall be
7 effective so long as the retirement because of age or physical
8 disability or temporary active duty continues.

9 "(b) The board shall adopt and promulgate rules and
10 regulations for the adoption of a program of continuing
11 education for its licensees by October 1, 1991. After that
12 date, the successful completion of continuing education
13 program requirements shall be a requisite for renewal of
14 licenses issued pursuant to this chapter.

15 "§34-9-15.1.

16 "(a) Upon the request of a patient or authorized
17 agent of a patient, a dentist shall promptly release to the
18 patient or his or her authorized agent legible and accurate
19 copies of all records of the patient regardless of how they
20 are generated or maintained. The reasonable costs of
21 reproducing copies shall not be more than the amounts
22 authorized by statute and in the absence of any statutory
23 authority no more than the actual cost of the reproduction.

1 "(b) The release of records under this section shall
 2 not be made contingent upon the payment of any fee or charge
 3 owed by the patient.

4 "(c) The provisions of the section shall survive the
 5 closing of a dental office or practice for any reason,
 6 including, but not limited to, sale of practice, any
 7 disciplinary action, retirement, disability, or death.

8 "§34-9-16.

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

12	"Description	Not Less Than	Not More Than
13	"Dental Examination Appli-		
14	cation Fee	\$200.00	\$750.00
15	"Dental Examination Fee	\$100.00	\$2,500.00
16	"Dental Examination Mate-		
17	rials Fee	\$200.00	\$500.00
18	"Dental Licensure by Cre-		
19	dentials Application Fee	\$100.00	\$4,000.00
20	"Dental Licensure by Re-		
21	gional Exam Application		
22	Fee	\$100	\$1,000.00
23	"Special Purpose Licensure	\$200.00	\$750.00

1	Fee		
2	<u>"Special Purpose Licensure</u>		
3	<u>Renewal Fee</u>		<u>\$750.00</u>
4	"Dental Annual Registra-		
5	tion Fee	\$130.00	\$500.00
6	"Dental License Reinstata-		
7	ment Penalty	\$250.00	\$500.00
8	"Dental Hygiene Program		
9	Application Fee	\$50.00	\$500.00
10	"Alabama Dental Hygiene		
11	Training Permit Fee	\$0.00	\$450.00
12	"Alabama Dental Hygiene		
13	Training Education Fee	\$175.00	\$600.00
14	"Alabama Dental Hygiene		
15	Program Instructor Certif-		
16	ication Course Fee	\$75.00	\$200.00
17	"Alabama Dental Hygiene		
18	Program Instructional Ma-		
19	terials Fee	\$500.00	\$950.00
20	"Dental Hygiene By Re-		
21	gional Exam Application		
22	Fee	\$55.00	\$75.00
23	"Dental Hygiene Examina-	\$50.00	\$500.00

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

1	Fee		
2	"General Anesthesia Permit		
3	Renewal Fee	\$200.00	\$750.00
4	"Parenteral Sedation Per-		
5	mit Fee	\$900.00	\$1,500.00
6	"Parenteral Sedation Per-		
7	mit Renewal Fee	\$200.00	\$750.00
8	"Oral Conscious Sedation		
9	Permit Fee	\$100.00	\$250.00
10	"Oral Conscious Sedation		
11	Permit Renewal Fee	\$50.00	\$250.00
12	"Mobile Dental Applica-		
13	tion/Inspection Fee	\$750.00	\$1,500.00
14	"Mobile Dental Renewal Fee	\$250.00	\$1,500.00
15	" <u>Mobile Dental Facil-</u>		
16	<u>ity/Portable Dental Opera-</u>		
17	<u>tion Application for Cer-</u>		
18	<u>tificate of Registration</u>		
19	<u>Fee</u>		<u>\$750.00</u>
20	" <u>Mobile Dental Facil-</u>		
21	<u>ity/Portable Dental Opera-</u>		
22	<u>tion Renewal of Certifi-</u>		
23	<u>cate of Registration Fee</u>		<u>\$500.00</u>

1 "§34-9-18.

2 "(a) The board may invoke disciplinary action as
3 outlined in subsection (b) hereof whenever it shall be
4 established to the satisfaction of the board, after hearing as
5 hereinafter provided, that any dentist or dental hygienist has
6 been guilty of the following:

7 "(1) Fraud, deceit, or misrepresentation, ~~whether~~
8 ~~knowingly or unknowingly,~~ in obtaining any license, license
9 certificate, annual registration certificate, money, or other
10 thing of value.

11 "(2) Gross immorality.

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

14 "(4) Is an habitual user of intoxicants or drugs
15 rendering him or her unfit for the practice of dentistry or
16 dental hygiene.

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

19 "(6) Is guilty of negligence or gross negligence, ~~as~~
20 ~~defined by the board, in the practice of dentistry or dental~~
21 ~~hygiene.~~

22 "a. For the purposes of this subdivision, negligence
23 is defined as the failure to do what a reasonably prudent
24 dentist or dental hygienist would have done under the same or

1 similar circumstances or the doing of that which a reasonably
2 prudent practitioner would not have done under the same or
3 similar circumstances.

4 "b. For the purposes of this subdivision, gross
5 negligence is defined as willful or wanton conduct with
6 reckless, malicious, or conscious disregard for the rights or
7 safety of others, or conduct that is so deliberate,
8 outrageous, and callous as to display total indifference to
9 the health or safety of a patient, that could result in
10 serious bodily injury or death.

11 "(7) Is guilty of employing, allowing, or permitting
12 any unlicensed person or persons to perform any work in his or
13 her office which, under this chapter, can only be legally done
14 by a person or persons holding a license to practice dentistry
15 or dental hygiene.

16 "(8) Willfully or negligently violates the rules of
17 the State Department of Health or of the board regarding
18 sanitation.

19 "(9) Is guilty of division of fees, or agreeing to
20 split or divide the fee received for dental service with any
21 person for bringing or referring a patient without the
22 knowledge of the patient or his or her legal representative,
23 except the division of fees between dentists practicing in a
24 partnership and sharing professional fees, or in case of one
25 licensed dentist employing another.

1 "(10) Is guilty of professional connection or
2 association with or lending his or her name to anyone who is
3 engaged in the illegal practice of dentistry or dental
4 hygiene.

5 "(11) Conviction in any court of competent
6 jurisdiction of a felony or a misdemeanor involving moral
7 turpitude.

8 "(12)a. A dental hygienist using or attempting to
9 use in any manner whatsoever any prophylactic list, call list,
10 records, reprints, or copies of same, or information gathered
11 therefrom, of the names of patients whom the dental hygienist
12 served in the office of a prior employer, unless the names
13 appear upon the bona fide call or prophylactic list of his or
14 her present employer and were caused to appear through the
15 legitimate practice of dentistry or dental hygiene as provided
16 for in this chapter.

17 "b. A licensed dentist who aids or abets or
18 encourages a dental hygienist employed by him or her to make
19 use of a ~~so-called~~ prophylactic list or the calling by
20 telephone or by the use of letters transmitted through the
21 mails to solicit patronage from patients formerly served in
22 the office of any dentist employing the hygienist or nurse.

23 "(13) Pertaining to licensed dentists only, the
24 prescribing, administering or dispensing of any controlled
25 substances enumerated in Schedules I through V contained in

1 the Alabama Uniform Controlled Substances Act, Chapter 2 of
2 Title 20, or any amendment or successor thereto, or any drug
3 not prescribed for any dentally or facially related condition,
4 and/or for any necessary medication during the course of
5 treatment rendered directly by the dentist, for any person not
6 under his or her treatment in the regular practice of his or
7 her profession, ~~or veteran's administration.~~

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

20 "(15) Violating any rule ~~or regulation~~ adopted by
21 the ~~Board of Dental Examiners~~ board.

22 "(16) Has had his or her license to practice
23 dentistry or dental hygiene from another state suspended or
24 revoked based upon acts similar to those described in this
25 section. A certified copy of the record of suspension or

1 revocation of the state making the suspension or revocation
2 shall be conclusive evidence thereof.

3 "(17) Violating any provision of this chapter.

4 "(b) When the board finds any dentist or dental
5 hygienist guilty of any of the grounds set forth in subsection
6 (a), it may enter an order imposing one or more of the
7 following penalties:

8 "(1) Refuse to issue the dentist or dental hygienist
9 license or ~~license certificate~~ permit provided for in this
10 chapter.

11 "(2) ~~Revoke~~ With the exception of negligence as
12 defined in paragraph (a) (6)a. revoke the license or permit of
13 any dentist or dental hygienist.

14 "(3) Suspend the license or permit of any dentist or
15 dental hygienist.

16 "(4) Enter a censure.

17 "(5) Issue an order fixing a period and terms of
18 probation best adapted to protect the public health and safety
19 and to rehabilitate the dentist or dental hygienist.

20 "(6) ~~Imposition of~~ Impose an administrative fine not
21 to exceed ~~one thousand two hundred fifty dollars (\$1,250)~~ five
22 thousand dollars (\$5,000) for each count or separate offense.

23 "(7) ~~Imposition of~~ Impose restrictions on the scope
24 of practice.

1 "~~(8) Imposition of~~ Impose peer review or
2 professional education requirements.

3 "~~(9) Assessment of~~ Assess the costs of the
4 disciplinary proceedings.

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

8 "(d) No disciplinary action as outlined in
9 subsection (b) or (c) hereof shall be invoked or entered
10 except after hearing by the board as provided in this chapter,
11 and such order is subject to judicial review as provided by
12 this chapter.

13 "No order of suspension or revocation provided in
14 this section shall be made or entered except after hearing by
15 the board as provided in this chapter, and the order shall be
16 subject to judicial review as provided by this chapter.

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

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

22 "(2) The initiation of a disciplinary action against
23 the licensee by any state or territorial licensing
24 jurisdiction in which the licensee holds a license to practice
25 dentistry.

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

13 "(f) Members of the ~~Board of Dental Examiners~~ board,
14 any agent, employee, consultant, or attorney for the board,
15 and the members of any committee of dentists or dental
16 hygienists impaneled by the board, shall be immune from suits
17 for any conduct in the course of their official duties with
18 respect to investigations or hearings; provided, that the
19 persons act without malice and in good faith that such
20 investigations or hearings are warranted by the facts, known
21 to them after diligent effort to obtain the facts of the
22 matter relative to the investigations or hearings.

23 "(g) Nothing in this chapter shall be interpreted to
24 limit or restrict the authority of the board to discipline any
25 dentist licensed to practice in this state who violates this

1 chapter while engaging in the practice of dentistry within
2 this or any other state.

3 "(h) The board shall have the authority to adopt
4 rules imposing a non-disciplinary administrative penalty for
5 designated violations of ~~the Alabama Dental Practice Act~~ this
6 chapter.

7 "§34-9-20.

8 "Any person, which word when used in this section
9 shall include all legal entities not licensed to practice
10 dentistry in this state, who shall advertise in any manner to
11 the general public that he or she can or will sell, supply,
12 furnish, construct, reproduce, or repair ~~prosthetic dentures,~~
13 ~~bridges, plates~~ protheses (fixed or removable), or other
14 appliances to be used or worn as substitutes for natural
15 teeth, or for the regulation thereof, shall be guilty of a
16 misdemeanor, and the circuit courts shall have jurisdiction to
17 enjoin such person from so doing.

18 "§34-9-21.

19 "(a) Every duly licensed and registered dentist who
20 employs the services of a commercial dental laboratory or
21 private technician for the purpose of constructing, altering,
22 repairing, or duplicating any ~~denture, plate, crown, partial~~
23 ~~plate, bridge~~ protheses (fixed or removable), splint, or
24 ~~orthodontic, or prosthetic~~ appliance shall be required to
25 furnish the commercial dental laboratory or private technician

1 an impression or ~~model taken~~ cast made by the dentist when
2 necessary, together with a prescription setting forth the
3 following:

4 "(1) The name and address of the commercial dental
5 laboratory or private dental technician~~;~~.

6 "(2) The patient's name or identification number,
7 and if a number is used the patient's name shall be written
8 upon the duplicate copy of the prescription retained by the
9 dentist~~;~~.

10 "(3) The date on which the prescription was
11 written~~;~~.

12 "(4) A description of the work to be done, with
13 diagram if necessary~~;~~.

14 "(5) A specification of the type and quality of
15 materials to be used~~;~~and.

16 "(6) The signature of the dentist and his or her
17 license number.

18 "(b) Such prescription shall be made in duplicate
19 form. The duplicate copy shall be retained in a permanent file
20 for a period of two years by the dentist, and the original
21 copy shall be retained on a permanent file for a period of two
22 years by the commercial dental laboratory or private
23 technician. Such permanent file of prescriptions to be kept by
24 such dentists, commercial dental laboratory, or private
25 technician shall be open to inspection at any reasonable time

1 by the board or its duly constituted agent. Failure of the
2 dentist, commercial dental laboratory, or private technician
3 to keep such permanent records of prescriptions which are
4 identifiable with each ~~denture, plate, partial plate, bridge~~
5 prostheses (fixed or removable), splint, or orthodontic, ~~or~~
6 ~~prosthetic~~ appliance shall be prima facie evidence of a
7 violation of this chapter and shall constitute and be
8 punishable as a misdemeanor.

9 "§34-9-22.

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

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

4 "§34-9-24.

5 "No action to revoke or suspend a license or permit
6 shall be taken until the licensee or permittee has been
7 furnished a statement in writing of the charges against him or
8 her, together with a notice of the time and place of the
9 hearing. The statement of charges and notice shall be served
10 upon the licensee or permittee at least 20 days before the
11 date fixed for hearing, either personally or by registered or
12 certified mail sent to his or her last known physical home or
13 office address or post-office address, or any combination of
14 them.

15 "§34-9-26.

16 "No person shall practice as a dental hygienist in
17 this state until such person has passed an examination given
18 by the board or approved by the board, or both, under rules
19 and regulations as the board may promulgate and the payment of
20 a fee. The board shall issue licenses and license certificates
21 as dental hygienists to those persons who have passed the
22 examination and have been found qualified by the board. The
23 license certificate and annual registration certificate shall
24 be displayed in the office in which the dental hygienist is
25 employed. No person shall be entitled to a license and license

1 certificate unless the person is 19 years of age and of good
2 moral character. Each applicant for examination and license as
3 a dental hygienist shall be a graduate of a school of dental
4 hygiene which has been approved by the board, or in lieu
5 thereof, shall have served as a dental assistant for a period
6 of time established by board rule and shall have served at
7 least one year as a dental hygienist trainee under a training
8 permit issued by the board to a qualified dentist practicing
9 in this state in accordance with the dental hygienist training
10 program established by the Board of Dental Examiners of
11 Alabama. Any person practicing in violation of this section
12 shall be guilty of a misdemeanor, and the board may impose the
13 penalties outlined in Section 34-9-18 for such violation.

14 "§34-9-27.

15 "A dental hygienist shall work only under the direct
16 supervision of a duly licensed dentist practicing in this
17 state. Dental hygienists may ~~take~~ make, develop, and mount
18 oral ~~X-rays~~ radiographs; remove calcareous deposits,
19 accretions, or stains from the teeth, perform any intra-oral
20 procedures allowed by rule or regulation of the Board of
21 Dental Examiners of Alabama and assist a licensed or permitted
22 dentist in his or her practice. Any person licensed by the
23 board under this section who has completed the curriculum for
24 dental hygienists at a dental school approved by the board
25 shall have the right to use the title registered dental

1 hygienist or the ~~abbreviations~~ abbreviation thereof, "R.D.H."
2 appended to his or her name signifying the license conferred.
3 The board may impose any of the penalties outlined in Section
4 34-9-18 against any dentist who shall permit any dental
5 hygienist working under his or her supervision to perform any
6 operation other than those permitted under the provisions of
7 this section, and may impose the penalties outlined in Section
8 34-9-18 against any dental hygienist who shall perform any
9 operation other than those permitted under this section.

10 "§34-9-28.

11 "It shall be the duty of all licensed dental
12 hygienists to notify the ~~secretary-treasurer of the board,~~ in
13 writing, of any change of address or employer and have issued
14 to them an annual registration certificate by the board. Any
15 dental hygienist whose license shall be automatically
16 suspended by reason of failure, neglect, or refusal to secure
17 the annual registration certificate may be reinstated by the
18 board upon payment of the penalty fee plus the current year's
19 registration fee. The form and method provided for in Section
20 34-9-15 shall apply to the annual registration of dental
21 hygienists.

22 "§34-9-40.

23 "(a) In order to accomplish the purposes and to
24 provide for the enforcement of this chapter, there is hereby
25 created the Board of Dental Examiners of Alabama. The board is

1 hereby vested with the authority to carry out the purposes and
2 enforce the provisions of this chapter. On June 24, 1959, the
3 members of the present board now in existence shall hold
4 office for the remainder of their respective terms for which
5 they have been elected and thereafter until their successors
6 are elected and qualified and shall constitute the board under
7 this chapter. The board shall consist of six dentists who
8 shall be selected in the method set forth herein all of whom
9 having been actively engaged in the practice of dentistry in
10 the State of Alabama for at least five years next preceding
11 the date of their election and one dental hygienist elected
12 at-large as provided in subsection (b). Each member of the
13 board shall be a citizen of this state. No member of the board
14 shall be a member of the faculty of any dental school, dental
15 college, dental hygiene school, or dental hygiene college or
16 receive any financial benefits for teaching in any dental
17 school, dental college, dental hygiene school, or dental
18 hygiene college or have a financial interest in a commercial
19 dental laboratory or a dental supply business. ~~Beginning in~~
20 ~~October 2009, and every five years thereafter, one~~ One member,
21 who is qualified as provided herein, shall be selected by the
22 Alabama Dental Society ~~no later than July 1, 2009, and every~~
23 ~~five years thereafter~~. As for all elections of members, any
24 group of 10 or more licensed dentists, residing and practicing
25 dentistry in the state, may nominate a candidate for the

1 position of board member by submitting a petition bearing
2 their signatures to the secretary of the board to be
3 postmarked ~~not~~ no later than the first day of July in the year
4 of the election. The board shall cause the election ballots to
5 be mailed or published digitally not later than September 1 in
6 the year of the election to all the licensed dentists residing
7 and practicing in the state and currently registered as
8 prescribed by law, along with the annual registration form for
9 the forthcoming fiscal year. Both the annual registration form
10 and fee must accompany the ~~separately sealed~~ ballot that shall
11 be postmarked, or otherwise submitted electronically, no later
12 than October 1 ~~and returned~~ to the secretary of the board no
13 later than the first board workday following October 1 each
14 year, ballots being nullified unless accompanied by or
15 electronically filed with completed annual registration form
16 and annual registration fee. Three members of the board shall
17 be present at the ~~canvassing of~~ time the ballots, digital or
18 physical, are tallied. Any candidate receiving a majority of
19 the votes shall be declared elected to the board and will take
20 the oath of office on or before October 15 in the year of his
21 or her election. In the event no candidate receives a majority
22 of the votes cast, the board shall conduct a run-off election
23 between the two candidates receiving the largest number of
24 votes. The board shall cause the ballots pertaining to the
25 run-off election to be mailed or digitally published on or

1 before October ~~15~~ 31 of the election year to all the licensed
2 dentists residing and practicing in the state and currently
3 registered as prescribed by law, and the ballots pertaining to
4 the run-off election shall be postmarked or digitally
5 published no later than the ~~first~~ fourteenth day of November
6 in the year of the run-off election and received, if mailed,
7 by the secretary of the board no later than the first board
8 workday following the ~~first~~ fourteenth day of November. All
9 mailed ballots received after this date shall be nullified. In
10 the event of a run-off election, the candidate receiving the
11 largest number of votes in the run-off election shall be
12 declared elected to the board and shall ~~immediately~~ take the
13 oath of office and begin his or her term of office no later
14 than the next scheduled board meeting. Every member elected
15 shall hold office for a period of five years, which terms
16 shall begin immediately upon taking an oath to properly and
17 faithfully discharge the duties of his or her office and until
18 his or her successor is elected and qualified, and the member
19 so elected shall not at the expiration of the term be eligible
20 to succeed himself or herself. The membership of the board
21 shall be inclusive and reflect the racial, gender, geographic,
22 urban/rural, and economic diversity of the state. Except for
23 the board member position selected by the Alabama Dental
24 Society, vacancies on the board shall be filled by the board
25 by the appointment of the immediate past member of the board,

1 and if for any reason the immediate past member of the board
2 is unable to accept the appointment, then the board shall fill
3 the vacancy by appointment of the most recent past board
4 member who is willing to accept the appointment. If no past
5 board member accepts the appointment, then the board may, by
6 ~~unanimous~~ majority vote, appoint any licensed dentist
7 qualified under the provisions of this chapter. In the event
8 of a vacancy in the position selected by the Alabama Dental
9 Society, the Alabama Dental Society shall select a dentist who
10 is qualified as provided herein to fill the vacancy. Members
11 of the board shall be removed by a two-thirds vote of the
12 registered dentists in the state for neglect of duty or any
13 just cause, by petition to the secretary of the board by 10
14 percent of the licensed dentists in the state. On or before
15 July 1, 1962, the board shall send a copy of this section to
16 all licensed dentists in the state.

17 " (b) (1) One member of the board shall be a licensed
18 dental hygienist. The dental hygienist member shall be of good
19 moral and ethical character and shall have been actively
20 engaged in the practice of dental hygiene in the State of
21 Alabama for at least five years preceding the date of
22 election. No dental hygienist member shall be a member of the
23 faculty of any dental school, dental college, dental hygiene
24 school, or dental hygiene college or receive any financial
25 benefits for teaching in any dental school, dental college,

1 dental hygiene school, or dental hygiene college or have a
2 financial interest in a commercial dental laboratory or dental
3 supply business while serving on the board.

4 "(2) The dental hygienist member shall be elected as
5 follows:

6 "a. Any group of 10 or more licensed dental
7 hygienists, residing and practicing dental hygiene in the
8 State of Alabama, may nominate a candidate for the dental
9 hygienist position by submitting a petition bearing their
10 signatures to the secretary of the board no later than the
11 first day of July in the year of an election. The board shall
12 cause election ballots to be mailed or published digitally no
13 later than September 1 in the year of an election to all the
14 licensed dental hygienists residing and practicing in the
15 state and currently registered as prescribed by law. Both the
16 annual registration form and the registration fee must
17 accompany ~~a separately sealed~~ the ballot that shall be
18 postmarked or otherwise submitted electronically no later than
19 October 1 ~~and returned~~ to the secretary of the board no later
20 than the first board workday following October 1 each year,
21 and the ballots will be nullified unless ~~the voter has~~
22 ~~complied with Section 34-9-28, concerning annual registration~~
23 accompanied by or electronically filed with a completed annual
24 registration form and the annual registration fee.

1 "b. Three members of the board shall be present at
2 the ~~canvassing of~~ time the ballots, digital or physical, are
3 tallied. Any candidate receiving a majority of the votes shall
4 be ~~the dental hygienist member~~ declared elected to the board
5 and shall take the oath of office on or before October 15 in
6 the year of his or her election. In the event no candidate
7 receives a majority of the votes cast, the board shall conduct
8 a run-off election between the two candidates receiving the
9 largest number of votes. The board shall cause the ballots
10 pertaining to any run-off election to be mailed or digitally
11 published on or before October ~~15~~ 31 of the election year to
12 all licensed dental hygienists residing and practicing in the
13 state and currently registered as prescribed by law, and the
14 ballots pertaining to the run-off election shall be postmarked
15 or digitally submitted no later than the fourteenth day of
16 November ~~1~~ in the year of the run-off election and received,
17 if mailed, by the secretary of the board no later than the
18 first board workday following November ~~1~~ 14. ~~Ballots~~ All
19 mailed ballots received after November ~~1~~ 14 shall be
20 nullified. In the event of a run-off election, the dental
21 hygienist candidate receiving the largest number of votes in
22 the run-off election shall be declared elected to the board
23 and shall ~~immediately~~ take the oath of office and begin his or
24 her term of office no later than the next scheduled board
25 meeting.

1 "c. All elections as described above shall be
2 conducted by the board.

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

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

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

14 "(c) Any dentist or dental hygienist who has been
15 found guilty of violating this chapter or any provision of a
16 dental practice act of any other state and as a result his or
17 her license was revoked, suspended, or placed on probation or
18 who has been convicted of a felony, shall not be eligible for
19 election or membership on the board for a period of five years
20 from the termination of any such revocation, suspension, or
21 probation.

22 "§34-9-41.

23 "The board shall annually elect from its membership
24 a president, vice-president, and secretary-treasurer and may
25 employ ~~a secretary~~ staff members who ~~is~~ are not ~~a member~~

1 ~~members~~ of the board, ~~and it shall not be necessary that the~~
2 ~~secretary be a dentist.~~ The board shall have a common seal.
3 The board shall hold an annual meeting in Birmingham at the
4 University of Alabama School of Dentistry as soon as practical
5 after the graduation exercises of the dental school for the
6 purpose of examining or participating in the regional
7 examination of applicants for a license to practice dentistry
8 and dental hygiene or at such other times and places as the
9 board may designate for the purpose of transacting its
10 business and examinations. A majority of the board shall
11 constitute a quorum for the transaction of business at any
12 meeting except that in conducting hearings involving any of
13 the penalties outlined in Section 34-9-18, no less than five
14 members of the board shall be present. In conducting hearings
15 involving any of the penalties outlined in Section 34-9-18, a
16 majority of the board may appoint any former member of the
17 board who for such purposes shall have all the powers and
18 privileges of such office as a regular board member possesses.
19 In conducting or participating in exams, a majority of the
20 board may appoint any former member of the board or such other
21 licensed practicing dentists from a jurisdiction recognized by
22 the board who for such purposes shall have all the powers and
23 privileges of such office as a regular board member possesses.
24 Out of the funds of the board the members thereof shall
25 receive as compensation a sum to be fixed by the board for

1 each day actively engaged in the duties of their office, and
2 in addition board members shall receive the same per diem and
3 travel allowance as is paid by law to state employees for each
4 day actively engaged in the duties of their office. The
5 secretary-treasurer shall receive such compensation as may be
6 fixed by the board, which shall be in addition to his or her
7 per diem and expenses, provided no per diem or expenses shall
8 be allowed unless his or her duties require his or her absence
9 from his or her office. The secretary shall receive such
10 compensation as may be fixed by the board. The
11 secretary-treasurer shall be custodian of all property, money,
12 records and the official seal of the board. All money received
13 by the board under this chapter shall be paid to and received
14 by the secretary-treasurer of the board. The
15 secretary-treasurer shall deposit to the credit of the board
16 all funds paid to the board in a bank selected by its members.
17 The board is authorized to expend such funds as shall be
18 necessary to enforce the provisions of this chapter; to pay
19 salaries, expenses and other costs herein provided; to promote
20 the arts and science of dentistry; and for such other purposes
21 as the board shall consider to be in the best interest of
22 dentistry in this state. All the costs herein provided for
23 shall be paid by checks drawn by the secretary-treasurer and
24 countersigned by the president of the board; except the board
25 may authorize the administrative secretary or the executive

1 director to sign checks for costs that do not exceed a
2 monetary limit to be set by the board in its rules. Should the
3 property be other than money, the secretary-treasurer shall
4 provide for the safekeeping thereof for the use of the board.
5 All money, including license fees, annual renewal license
6 certificate fees, examination fees and any and all other fees
7 and receipts under the provisions of this chapter, are hereby
8 appropriated to the Board of Dental Examiners to be used as
9 herein provided.

10 "§34-9-43.

11 "(a) The board shall exercise, subject to this
12 chapter, the following powers and duties:

13 "(1) Adopt rules for its government as deemed
14 necessary and proper.

15 "(2) Prescribe rules for qualification and licensing
16 of dentists and dental hygienists.

17 "(3) Conduct or participate in examinations to
18 ascertain the qualification and fitness of applicants for
19 licenses as dentists and dental hygienists.

20 "(4) Make rules and regulations regarding
21 sanitation.

22 "(5) Formulate rules and regulations by which dental
23 schools and colleges are approved, and formulate rules and
24 regulations by which training, educational, technical,
25 vocational, or any other institution which provides

1 instruction for dental assistants, dental laboratory
2 technicians, or any other parodontal personnel are approved.

3 "(6) Grant licenses, issue license certificates,
4 teaching permits, and annual registration certificates in
5 conformity with this chapter to such qualified dentists and
6 dental hygienists.

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

9 "(8)a. Employ necessary persons to assist in
10 performing its duties in the administration and enforcement of
11 this chapter, and to provide offices, furniture, fixtures,
12 supplies, printing, or secretarial service to these persons
13 and expend necessary funds.

14 "b. Employ an attorney or attorneys, subject to the
15 approval of the Attorney General, to advise and assist in the
16 carrying out and enforcing of the provisions of this chapter.
17 Provided, however, if the board contracts with an outside
18 attorney to be general counsel to the board, that attorney or
19 any member of a law firm with which he or she is associated
20 shall not function as the board's prosecutor at disciplinary
21 hearings.

22 "(9)a. Investigate alleged violations of this
23 chapter and institute or have instituted before the board or
24 the proper court appropriate proceedings regarding the
25 violation.

1 "b. Authorize and employ investigators who comply
2 with the Peace Officers' Minimum Standards and Training Act to
3 exercise the powers of a peace officer in investigating
4 alleged violations of the drug or controlled substances laws
5 by persons licensed pursuant to this chapter, including the
6 powers of arrest and inspection of documents. ~~These~~
7 ~~investigators shall not be paid a subsistence allowance by the~~
8 ~~board.~~

9 "(10) Adopt rules and regulations to implement this
10 chapter.

11 "(11) Publish, on a quarterly basis, all minutes,
12 except minutes of executive sessions, financial reports,
13 schedules of meetings, including anticipated executive
14 sessions, and other pertinent information on the board's
15 website no later than 90 days following the date of
16 occurrence. In addition, publish or post annually the rules
17 and regulations promulgated by the board, a copy of the Dental
18 Practice Act, and a list of all persons licensed to practice
19 under this chapter.

20 "(12) Attend meetings, seminars, ~~work shops~~
21 workshops, or events that may improve the function and
22 efficiency of the board or improve the ability of the board to
23 enforce and administer this chapter.

24 "(b) The board, in exercising its powers and duties,
25 shall adhere to guidelines and proceedings of the State Ethics

1 Commission as provided in Chapter 25 of Title 36. The board
2 may adopt rules for the purpose of establishing additional
3 ethical guidelines.

4 "§34-9-44.

5 "The secretary-treasurer of the board shall keep a
6 registry in which shall be entered the names of all persons to
7 whom license certificates have been granted under this
8 chapter, the numbers of such license certificates, the dates
9 of granting the same and other matters of records, and he or
10 she shall keep a true and correct copy of the minutes of all
11 board meetings, and the book so provided and kept shall be the
12 official book of records. A ~~photostatic~~ copy of the records or
13 a copy of the records certified by the secretary-treasurer and
14 under the seal of the board shall be admitted in any of the
15 courts of this state as prima facie evidence of the facts
16 contained in the records and in lieu of the original thereof.
17 A certificate under the hand of the secretary-treasurer and
18 the seal of the board that there is not entered in such record
19 books the name and number of and date of granting such license
20 certificate to a person charged with a violation of any of the
21 provisions of this chapter shall be prima facie evidence of
22 the facts contained therein. Such certificates shall be
23 admitted in any of the courts of this state in lieu of the
24 records of the board. The original books, records, and papers
25 of the board shall be kept at the office of the

1 secretary-treasurer of the board, which office shall be at
2 such place as may be designated by the board.

3 "§34-9-60.

4 "Any person licensed or permitted to practice
5 dentistry in the State of Alabama shall be authorized to use
6 anesthesia in accordance with the provisions of this section.

7 "(1) All dentists are authorized to use local
8 anesthesia.

9 "(2) Twelve months after May 29, 1985, no dentist
10 shall use general anesthesia on an outpatient basis for dental
11 patients, unless such dentist possesses a permit of
12 authorization issued by the Board of Dental Examiners.

13 "a. In order to receive such permit, the dentist
14 must apply on a prescribed application form to the Board of
15 Dental Examiners, submit an application fee, and produce
16 evidence showing that he or she:

17 "1. Has completed a minimum of one year of advanced
18 training in anesthesiology and related academic subjects (or
19 its equivalent) beyond the undergraduate dental school level
20 in a training program as described in Part II of the
21 guidelines for teaching the comprehensive control of pain and
22 anxiety in dentistry; or

23 "2. Is a diplomate of the American Board of Oral and
24 Maxillofacial Surgery, or is eligible for examination by the
25 American Board of Oral and Maxillofacial Surgery, or is a

1 member of the American Association of Oral and Maxillofacial
2 Surgeons; or

3 "3. Employs or works in conjunction with a qualified
4 medical doctor who is a member of the anesthesiology staff in
5 an accredited hospital, provided that such anesthesiologist
6 must remain on the premises of the dental facility until any
7 patient given a general anesthetic regains consciousness and
8 is discharged; and

9 "4. Has a properly equipped facility for the
10 administration of general anesthesia staffed with a supervised
11 team of auxiliary personnel capable of reasonably assisting
12 the dentist with procedures, problems, and emergencies
13 incident thereto. Adequacy of the facility and competence of
14 the anesthesia team shall be determined by the Board of Dental
15 Examiners as outlined below.

16 "5. Possesses current training in Advanced Cardiac
17 Life Support (ACLS) and basic life support certification.

18 "b. Prior to the issuance of such permit, the Board
19 of Dental Examiners, at its discretion, may require an on-site
20 inspection of the facility, equipment, and personnel to
21 determine if, in fact, the aforementioned requirements have
22 been met. This evaluation shall be carried out in a manner
23 prescribed by the board. The evaluation shall be conducted by
24 a team of three examiners appointed by the Board of Dental
25 Examiners. These examiners shall be dentists who are

1 authorized to administer general anesthesia. If the results of
2 the initial evaluation are deemed unsatisfactory, ~~upon written~~
3 ~~request of the applicant, a second evaluation shall be~~
4 ~~conducted by a different team of examiners~~ the applicant may
5 reapply for a permit subject to the correction of the
6 deficiencies outlined in the original evaluation.

7 "(3) Each dentist who is licensed to practice
8 dentistry in the state on May 29, 1985, who desires to
9 continue to use general anesthesia shall make application on
10 the prescribed form to the Board of Dental Examiners within 12
11 months of May 29, 1985. If he or she meets the requirements of
12 this section, he or she shall be issued such a permit. If the
13 applicant does not meet the requirements of paragraph a. of
14 subdivision (2) of this section, he or she may be entitled to
15 a "general anesthesia permit" provided said applicant passes
16 to the satisfaction of the board an on-site inspection as
17 provided for in paragraph b. of subdivision (2) of this
18 section.

19 "(4) Each dentist who has not been using general
20 anesthesia prior to May 29, 1985, may be granted by the board
21 a temporary provisional permit based on the applicant's
22 producing evidence that he or she has complied with paragraph
23 a. of subdivision (2) of this section above pending complete
24 processing of the application and thorough investigation of an

1 on-site evaluation as described in paragraph b. of subdivision
 2 (2) of this section.

3 "§34-9-63.

4 "The issuance of a permit for general anesthesia
 5 shall include the privilege of administering parenteral
 6 sedation in accordance with this section. The issuance of a
 7 permit for parenteral sedation shall include the privilege of
 8 administering intravenous sedation. All current intravenous
 9 sedation permit holders are entitled to a parenteral sedation
 10 permit subject to the renewal and regulatory provisions
 11 afforded to the Board of Dental Examiners by this chapter. The
 12 term parenteral sedation shall not include the use or
 13 regulation of nitrous oxide.

14 "(1) ~~After August 1, 1993, no~~ No dentist shall use
 15 parenteral sedation on an outpatient basis for dental patients
 16 unless the dentist possesses a permit of authorization issued
 17 by the board. The dentist applying for or holding the permit
 18 shall be subject to on-site inspections as provided in
 19 paragraph b. of subdivision (2) of Section 34-9-60.

20 "a. In order to receive the permit, the dentist
 21 shall:

22 "1. Apply on a prescribed application form to the
 23 board.

24 "2. Submit a fee.

1 "3. Produce evidence showing that he or she has
2 satisfied each of the following requirements:

3 "(i) Received formal training in the use of
4 parenteral sedation from a board approved training program, is
5 competent to handle all emergencies relating to parenteral
6 sedation, and is currently certified in cardiopulmonary
7 resuscitation. The certification of the formal training shall
8 specify the total number of hours, the number of didactic
9 hours, and the number of patient contact hours. The required
10 number of didactic hours and patient contact hours shall be
11 determined by the board.

12 "(ii) Equipped a proper facility for the
13 administration of parenteral sedation, staffed with a
14 supervised team of auxiliary personnel capable of reasonably
15 assisting the dentist with procedures, problems, and
16 emergencies incident to the sedation procedure.

17 "b. Adequacy of the facility and the competency of
18 the sedation team shall be determined by the board.

19 "c. Prior to the issuance of a permit, the board may
20 require an on-site inspection of the facility, equipment, and
21 personnel to determine if the requirements of this section
22 have been met. This evaluation shall be performed as provided
23 in subdivision (2) of this section.

24 "(2) Each dentist who is licensed to practice
25 dentistry in the state ~~on or after August 1, 1993,~~ who desires

1 to continue to use parenteral sedation shall make application
2 on the prescribed form to the board ~~within 12 months of August~~
3 ~~1, 1993~~. If he or she meets the requirements of this section,
4 or currently holds a valid intravenous sedation permit, he or
5 she shall be issued such a permit subject to all renewal and
6 regulatory requirements of Section 34-9-64. If the applicant
7 does not meet the requirements of paragraph a. of subdivision
8 (1) of this section, or does not currently hold a valid
9 intravenous sedation permit, he or she may be entitled to a
10 "parenteral sedation permit" if the applicant passes, to the
11 satisfaction of the board, an on-site inspection. The
12 inspection shall ascertain that the dentist has a properly
13 equipped facility for the administration of parenteral
14 sedation, staffed with a supervised team of auxiliary
15 personnel capable of reasonably assisting the dentist with
16 incidental procedures, problems, and emergencies.

17 "The board, in conducting the on-site inspection and
18 evaluations required in this section, shall appoint a team of
19 up to three examiners who shall be dentists certified to
20 administer parenteral sedation in accordance with this
21 article.

22 "(3) A dentist utilizing parenteral sedation and the
23 auxiliary personnel of the dentist shall be currently
24 certified in cardiopulmonary resuscitation and the dentist
25 shall be trained in advanced cardiac life support.

1 "(4) Each dentist who has not been using parenteral
2 sedation ~~prior to August 1, 1993, may,~~ pending complete
3 processing of an application and a thorough on-site
4 evaluation, may be granted ~~a~~ one temporary provisional permit
5 by the board at a time, if the applicant produces evidence
6 that he or she has complied with this section.

7 "§34-9-82.

8 "(a) A dentist using oral conscious sedation must
9 comply with all of the following requirements:

10 "(1) Patients to be treated under oral conscious
11 sedation must be suitably evaluated prior to the start of any
12 sedation procedure. Using the American Society of
13 Anesthesiologists Patient Physical Status classifications the
14 dentist should determine that the patient is an appropriate
15 candidate for oral conscious sedation.

16 "(2) The patient or guardian must be advised
17 regarding the procedure associated with the delivery of any
18 sedative agents and the appropriate written informed consent
19 should be obtained.

20 "(3) Inhalation equipment used in conjunction with
21 oral conscious sedation must be evaluated prior to use on each
22 patient. Determination of adequate oxygen supply must be
23 completed prior to use with each patient.

1 "(4) Appropriate verbal or written preoperative and
2 postoperative instructions must be given to the patient or
3 guardian.

4 "(5) Baseline vital signs should be obtained unless
5 the patient's behavior prohibits such determination.

6 "(6) Pretreatment physical evaluation should be
7 performed as deemed appropriate.

8 "(7) All medications and dosages used during an oral
9 conscious sedation procedure must be recorded in the patient's
10 record of treatment.

11 "(8) An emergency cart or kit must be readily
12 accessible and must be available for immediate use during any
13 sedation procedure.

14 "(9) The only classification of drugs for sedation
15 to be administered enterally by a responsible adult
16 procedurally outside the treatment facility is minor
17 tranquilizers. Minor tranquilizers (i.e., hydroxyzine or
18 diazepam) do not include chloral hydrate or narcotics.

19 "(10) Direct clinical observation and monitoring of
20 the patient by a staff member must be continuous during the
21 recovery period. The dentist shall assess the patient's
22 responsiveness and must determine that the patient has met
23 discharge criteria prior to leaving the office and the patient
24 must be discharged into the care of a responsible person.

1 "(b) It shall be incumbent upon the operating
2 dentist to insure that the patient is appropriately monitored.
3 A sedated patient must be continuously kept under direct
4 clinical observation by a trained individual. The sedated
5 patient's oxygen saturation must be monitored by pulse
6 oximetry. Chest excursions must be observed and the color of
7 mucosa and skin continually evaluated. Back-up emergency
8 services should be identified and a protocol outlining
9 necessary procedures for their immediate employment should be
10 developed and operational for each facility.

11 "(c) Any dentist utilizing oral conscious sedation
12 procedures must have a properly equipped facility staffed with
13 a supervised team of allied dental personnel who will be
14 appropriately trained and capable of reasonably assisting the
15 dentist with procedures, problems, and emergencies incident
16 thereto. When inhalation equipment is used, in combination
17 with orally administered sedatives, it must have a ~~fail safe~~
18 failsafe system that is appropriately checked and calibrated.
19 The inhalation equipment must have the capacity for delivering
20 100 percent oxygen, and never less than 25 percent oxygen. A
21 system for delivering oxygen must be available and must have
22 adequate full-face mask and appropriate connectors, and be
23 capable of delivering oxygen under positive pressure to the
24 patient. Inhalation equipment must have a scavenging system.
25 Suction equipment must be available that allows aspiration of

1 the oral and pharyngeal cavities. A stethoscope and a
2 sphygmomanometer with cuffs of appropriate size shall be
3 immediately available.

4 "§34-9-89.

5 "When oral conscious sedation is used on any patient
6 under 12 years of age, the following provisions shall apply:

7 "(1) The drugs, dosages, and techniques used should
8 carry a margin of safety which is unlikely to render the
9 patient noninteractive and nonarousable.

10 "~~(2) In offices where pediatric patients are~~
11 ~~treated, appropriately~~ Appropriately sized emergency equipment
12 must be available."

13 Section 2. Section 34-9-7.2 is added to the Code of
14 Alabama 1975, to read as follows:

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

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

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

