

1 HB451
2 129801-3
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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 practitioners; to provide an inactive status for special
2 purpose licensees to practice across state lines; to provide
3 for registration by electronic format; to specify that the
4 requirement for a dentist to release records survives the sale
5 of his or her practice; to delete the minimum fee schedule; to
6 provide maximum fees for special purpose licensure renewal,
7 dental faculty special teaching permit fees, and mobile dental
8 facility/portable dental operation application for certificate
9 of registration and renewal fees; to increase the dental
10 hygiene annual registration fee; to allow the board to
11 discipline licensees for using fraud or deceit to obtain a
12 license or for prescribing a drug for any condition not
13 dentally related; to increase board imposed administrative
14 fines; to revise certain antiquated terminology; to require
15 licensee changes in address or employment to be reported to
16 the board in writing; to provide for the electronic submission
17 of ballots for the election of board members; to provide
18 further for the election process; to provide further for the
19 employment of board staff; to remove the requirement that
20 investigators be paid a subsistence allowance by the board; to
21 provide that an applicant may reapply for a permit to use
22 anesthesia after the correction of deficiencies in an original
23 evaluation and inspection by examiners; to require a dentist
24 utilizing parenteral sedation to be trained in advanced
25 cardiac life support; to require written informed consent of a
26 patient or guardian before undergoing a procedure using a
27 sedative agent; to add Section 34-9-7.2 to the Code of Alabama

1 1975, to require 501(c)(3) entities operating dental clinics
2 to register with the State Board of Dental Examiners; to
3 require 501(c)(3) entities operating dental clinics to have
4 licensed dentists serving as chief of dental services for all
5 clinics; and to require professional employees of the clinics
6 to otherwise comply with the dental licensing law.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

14 "§34-9-2.

15 "(a) The Legislature hereby declares that the
16 practice of dentistry ~~affects~~ and the practice of dental
17 hygiene affect the public health, safety, and welfare and
18 should be subject to regulation. It is further declared to be
19 a matter of public interest and concern that the dental
20 profession merit and receive the confidence of the public and
21 that only qualified dentists be permitted to practice
22 dentistry and only qualified dental hygienists be permitted to
23 practice dental hygiene in the State of Alabama. All
24 provisions of this chapter relating to the practice of
25 dentistry and dental hygiene shall be liberally construed to
26 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.

26 "(3) Those nonresident dentists who have been issued
27 a special purpose license to practice dentistry across state

1 lines in accordance with Section 34-9-10. This subdivision
2 shall not apply to those dentists who hold a full,
3 unrestricted, and current license or permit issued pursuant to
4 Section 34-9-8 or Section 34-9-10.

5 "§34-9-5.

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

22 "§34-9-6.

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

25 "(1) Performs ~~performs,~~ or attempts or professes to
26 perform, any dental operation or dental service of any kind,
27 gratuitously or for a salary, fee, money or other remuneration

1 paid, or to be paid, directly or indirectly, to himself or
2 herself, or to any person in his or her behalf, or to any
3 agency which is a proprietor of a place where dental
4 operations or dental services are performed;~~or.~~

5 "(2) Directly ~~(1) Who directly~~ or indirectly, by any
6 means or method, makes impression of the human tooth, teeth,
7 jaws or adjacent tissue, or performs any phase of any
8 operation incident to the replacement of a tooth or any part
9 thereof;~~or.~~

10 "(3) ~~(2)~~ Supplies artificial substitutes for the
11 natural teeth, and who furnishes, supplies, constructs,
12 reproduces, or repairs any ~~prosthetic denture, bridge~~
13 prosthesis (fixed or removable), appliance, or any other
14 structure to be worn in the human mouth;~~or.~~

15 "(4) Places ~~(3) Who places~~ such appliance or
16 structure in the human mouth, or adjusts, ~~or attempts,~~ or
17 professes to adjust the same, or delivers the same to any
18 person other than the dentist upon whose prescription the work
19 was performed;~~or.~~

20 "(5) Professes ~~(4) Who professes~~ to the public by
21 any method to furnish, supply, construct, reproduce, or repair
22 any ~~prosthetic denture, bridge~~ prosthesis (fixed or
23 removable), appliance, or other structure to be worn in the
24 human mouth, or who diagnoses, or professes to diagnose,
25 prescribe for, professes to prescribe for, treats or professes
26 to treat disease, pain, deformity, deficiency, injury, or
27 physical condition of the human teeth or jaws, or adjacent

1 structure, or who extracts or attempts to extract human teeth,
2 or remove tumors, abnormal growths, or other lesions from the
3 human gums, jaws, and adjacent structures, or who operates for
4 ~~harelip or cleft lip or palate, or both;~~ or who treats
5 surgically or mechanically fractures of the human jaw; or who
6 administers local or general anesthetics in the treatment of
7 any dental lesion;~~or.~~

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

10 "(7) Uses ~~(6) Who uses~~ a roentgenor ~~X-ray,~~
11 radiograph, or digital imaging machine for the purpose of
12 ~~taking~~ making dental ~~X-rays or~~ roentgenograms, radiographs, or
13 digital images, or who gives, or professes to give,
14 interpretations or readings of dental ~~X-ray or~~ roentgenograms,
15 radiographs, or digital images, or ~~X-ray~~ radiographic or
16 roentgen therapy;~~or.~~

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

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

1 "(10) States ~~(9) Who states~~, or professes, or
2 permits to be stated or professed by any means or method
3 whatsoever that he or she can perform or will attempt to
4 perform dental ~~operations~~ procedures, or render a diagnosis
5 connected therewith; ~~or.~~

6 "(11) Performs ~~(10) Who performs~~ any clinical
7 operation included in the curricula of recognized dental
8 colleges; provided, that members of the faculty, teachers,
9 instructors, fellows, interns, residents, dental students, and
10 student dental hygienists who are employed by or who are
11 taking courses or instructions at the University of Alabama
12 School of Dentistry or such other dental colleges, hospitals,
13 or institutions in Alabama, as may be approved by the board;
14 and provided, that the work of fellows, interns, residents,
15 dental students, and student dental hygienists is performed
16 within the facilities of such dental colleges, hospitals, and
17 institutions under the supervision of an instructor and as an
18 adjunct to his or her course of study or training, shall not
19 be required to take examination or obtain a license
20 certificate and renewal license certificate when all of such
21 work, dental ~~operations~~ procedures, and activities are
22 confined to his or her work in the college, hospital, or other
23 institution and the work is done without remuneration other
24 than the regular salary or compensation paid by such colleges,
25 hospitals, or other institutions.

26 "(12) Professes to the public by any method to
27 bleach human teeth, performs bleaching of the human teeth

1 alone or within his or her business, or instructs the public
2 within his or her business, or through any agent or employee
3 of his or her business, in the use of any tooth bleaching
4 product.

5 "§34-9-6.1.

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

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

12 "(2) MOBILE DENTAL FACILITY ~~or PORTABLE DENTAL~~
13 ~~OPERATION~~. Any self-contained facility in which dentistry or
14 dental hygiene is practiced which may be moved, towed, or
15 transported from one location to another.

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

21 "(4) PORTABLE DENTAL OPERATION. The use of portable
22 dental delivery equipment which is set up on site to provide
23 dental services outside of a mobile dental facility or a
24 dental office and uses non-fixed dental equipment and
25 independent plumbing.

26 "(b) In order to operate a mobile dental facility or
27 portable dental operation, an operator shall first obtain a

1 certificate of registration issued by the ~~Board of Dental~~
2 ~~Examiners~~ board. The operator shall complete an application in
3 the form and manner required by the board and shall meet all
4 qualifications established by rules of the board.

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

7 "(1) The operator shall maintain an official
8 business address which shall not be a post office box and
9 which shall be within this state and be associated with an
10 established dental facility which shall have an official
11 business address on record with the ~~Board of Dental Examiners~~
12 board. The address shall be filed with the board as part of
13 the application for a certificate of registration.

14 "(2) The operator shall maintain an official
15 telephone number of record which shall be accessible 24 hours
16 a day and which shall be filed with the board as part of the
17 application for a certificate of registration. The telephone
18 number shall have 911 capability.

19 "(3) The board shall be notified within 30 days of
20 any change in address, location, or telephone number of
21 record. The notification shall also include the method by
22 which patients are notified of the change of address,
23 location, or telephone number of record. For purposes of this
24 subdivision, patient shall mean any individual who has
25 received treatment or consultation of any kind within two
26 years of the date of the proposed change of address, location,
27 or telephone number of record.

1 "(4) All written or printed documents available from
2 or issued by the mobile dental facility ~~or portable dental~~
3 ~~operation~~ shall contain the official business address and
4 telephone number of record for the mobile dental facility ~~or~~
5 ~~portable dental operation~~.

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

8 "(6) The operator shall maintain a written procedure
9 for emergency follow-up care for patients treated in a mobile
10 dental facility ~~or a portable dental operation~~, which includes
11 arrangements for treatment in a dental facility that is
12 permanently established in the area within a 50-mile radius
13 where services are provided subject to a qualified dentist
14 being located in the area and subject to the dentist agreeing
15 to provide follow-up care. An operator who either is unable to
16 identify a qualified dentist in the area or is unable to
17 arrange for emergency follow-up care for patients otherwise
18 shall be obligated to provide the necessary ~~follow-up~~
19 follow-up care via the mobile dental facility ~~or portable~~
20 ~~dental operation~~ or the operator may choose to provide the
21 follow-up care at his or her established dental practice
22 location in the state or at any other established dental
23 practice in the state which agrees to accept the patient. An
24 operator who fails to arrange or provide follow-up care as
25 required herein shall be considered to have abandoned the
26 patient, and ~~will subject~~ the operator and any dentist or
27 dental hygienist, or both, who fail to provide the referenced

1 follow-up ~~treatment~~ care shall be subject to disciplinary
2 action by the board.

3 "(7) The mobile dental facility ~~or a portable dental~~
4 ~~operation~~ shall have communication ~~facilities~~ abilities that
5 ~~will~~ enable the operator to contact necessary parties in the
6 event of a medical or dental emergency. The communication
7 ~~facilities~~ abilities shall enable the patient or the parent or
8 guardian of the patient treated to contact the operator for
9 emergency care, follow-up care, or information about treatment
10 received. The provider who renders follow-up care must also be
11 able to contact the operator and receive treatment
12 information, including radiographs.

13 "(8) The mobile dental facility ~~or a portable dental~~
14 ~~operation~~ and the dental procedures performed therein shall
15 comply with all applicable federal and state laws and all
16 applicable rules of the board promulgated pursuant to Section
17 34-9-43.

18 "(9) Any driver of a mobile dental facility ~~or a~~
19 ~~portable dental operation~~ shall possess a valid Alabama
20 driver's license appropriate for the operation of the vehicle.
21 A copy of the driver's license of each driver shall be
22 submitted to the board at least 30 days prior to the
23 individual operating a mobile dental facility ~~or a portable~~
24 ~~dental operation~~.

25 "(10) All mobile dental facilities ~~or portable~~
26 ~~dental operations~~ authorized in this section which are a

1 vehicle or which are to be towed or otherwise transported by
2 another vehicle shall be registered in this state.

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

1 signature of a parent or legal guardian if the patient is a
2 minor.

3 "(12) Each operator of a mobile dental facility ~~or a~~
4 ~~portable dental operation~~ shall maintain a written or
5 electronic record detailing for each location where services
6 are performed all of the following information:

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

8 "b. The dates of each session.

9 "c. The number of patients served.

10 "d. The types of dental services provided and the
11 quantity of each service provided.

12 "e. Any other information requested by rule of the
13 board.

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

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

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

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

23 "(2) A properly functioning sterilization system.

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

1 "(4) A covered galvanized, stainless steel, or other
2 noncorrosive container for deposit of refuse and waste
3 materials.

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

14 "(6) All licenses and permits as required by Section
15 34-9-13 on site.

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

17 "(8) Sharps containers and red biohazard equipment
18 available on site.

19 "(e) A portable dental operation shall comply with
20 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. The address shall
26 be filed with the board as part of the application for a
27 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
26 provided subject to a qualified dentist being located in the
27 area and subject to the dentist agreeing to provide follow-up

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

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

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

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

26 "(10) Each operator of a portable dental operation
27 shall maintain a written or electronic record detailing for

1 each location where services are performed all of the
2 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 "(11) The written or electronic record shall be made
11 available to the board within 10 days of a request.

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

15 "(f) The portable dental operation shall comply with
16 all physical requirements and inspection criteria established
17 by rule of the board and shall comply with the license and
18 permit requirements of Section 34-9-13.

19 "(g) ~~(e)~~ The mobile dental facility or a portable
20 dental operation shall be inspected by the board or its
21 representative prior to receiving a certificate of
22 registration. Once registered, the mobile dental facility or a
23 portable dental operation shall be subject to periodic
24 unannounced audits and inspections by the board.

25 "(h) ~~(f)~~ The mobile dental facility or a portable
26 dental operation shall comply with the current recommendations
27 for infection control practices for dentistry as promulgated

1 by the Centers for Disease Control and any rule of the board
2 relating to infection control or reporting in a dental office.

3 "(i) ~~(g)~~ The initial application for a certificate
4 of registration shall include the full name, address, and
5 telephone number of the dentists and dental hygienists working
6 at the facility or operation. The initial application for a
7 certificate of registration shall also include proof of
8 insurance from a licensed insurance carrier that the operator
9 has in force at least one million dollars (\$1,000,000) of
10 general liability insurance. The operator shall be required to
11 maintain one million dollars (\$1,000,000) of general liability
12 insurance at all times for which the mobile dental facility or
13 portable dental operation is licensed by the Board of Dental
14 Examiners. Governmental entities which operate mobile dental
15 facilities or portable dental operations shall not be required
16 to have or maintain any amount of general liability insurance.
17 The operator shall advise the board in writing within 15 days
18 of any change in the employment of any dentist or dental
19 hygienist working at the facility or operation.

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

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

1 "(l) ~~(j)~~ At the conclusion of each patient's visit
2 to the mobile dental facility or a portable dental operation,
3 the patient shall be provided with a patient information sheet
4 which shall also be provided to any individual or entity to
5 whom the patient has consented or authorized to receive or
6 access the patient's records. The information sheet shall
7 include at a minimum the following information:

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

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

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

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

18 "(m) ~~(k)~~ In the event a mobile dental facility or a
19 portable dental operation is to be sold, the current operator
20 shall inform the board and the Alabama Medicaid Agency, if the
21 operator is an Alabama Medicaid enrolled provider, at least 10
22 days prior to the sale being completed and shall be required
23 to disclose the purchaser to the board and the Alabama
24 Medicaid Agency, if the operator is an Alabama Medicaid
25 enrolled provider, via certified mail within 10 days after the
26 date the sale is finalized. The operator of a mobile dental
27 facility or a portable dental operation shall notify the board

1 and the Alabama Medicaid Agency, if the operator is an Alabama
2 Medicaid enrolled provider, at least 30 days prior to
3 cessation of operation. Such notification shall include the
4 final day of operation and a copy of the notification shall be
5 sent to all patients and shall include the manner and
6 procedure by which patients may obtain their records or
7 transfer those records to another dentist. It is the
8 responsibility of the operator to take all necessary action to
9 insure that the patient records are available to the patient,
10 a duly authorized representative of the patient, or a
11 subsequent treating dentist. For purposes of this subsection,
12 a patient shall mean any individual who has received any
13 treatment or consultation of any kind within two years of the
14 last date of operation of the mobile dental facility or a
15 portable dental operation.

16 "(n) ~~(i)~~ A mobile dental facility or a portable
17 dental operation that accepts or treats a patient but does not
18 refer patients for follow-up ~~treatment~~ care when such
19 follow-up ~~treatment~~ care is clearly necessary, shall be
20 considered to have abandoned the patient and will subject the
21 operator and any dentist or dental hygienist, or both, who
22 fails to provide the referenced follow-up ~~treatment~~ care to
23 disciplinary action by the board.

24 "(o) ~~(m)~~ In addition to the requirements of this
25 section, any operator, dentist, or dental hygienist working or
26 performing any services at a mobile dental facility or a
27 portable dental operation shall be subject to the provisions

1 of this chapter. Any violation of the provisions of this
2 section shall subject the operator, dentist, or dental
3 hygienist to the penalties provided in Section 34-9-18, and no
4 order imposing penalties pursuant to Section 34-9-18 shall be
5 made or entered except after notice and hearing by the board
6 with any such order being subject to judicial review.

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

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

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

26 "(s) ~~(p)~~ This section shall not apply to any mobile
27 dental facility or portable dental operation which is operated

1 during a state of emergency declared by the Governor as
2 authorized in Section 31-9-8.

3 "(t) ~~(q)~~ It is the express intent of the Legislature
4 that no state agency, including, but not limited to, the
5 Alabama Medicaid Agency, shall restrict any mobile dental
6 facility or portable dental operation which complies with the
7 provisions outlined herein and all applicable state and
8 federal rules from participation in its programs.

9 "(u) ~~(r)~~ Notwithstanding any other provision of law,
10 any entity which is approved as tax exempt under Section
11 501(c)(3) of the Internal Revenue Code and employs dentists
12 licensed in this state shall continue to be able to employ
13 dentists licensed in this state and to provide dental services
14 in the same manner and under the same conditions as licensed
15 on June 7, 2008.

16 "§34-9-7.

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

19 "(1) The practice of his or her profession by a
20 physician or surgeon holding a certificate of qualification as
21 a medical doctor and licensed as such under the laws of this
22 state, provided he or she shall not practice dentistry as a
23 specialty.

24 "(2) The practice of dentistry in the discharge of
25 their official duties by graduate dentists or dental surgeons
26 in the United States Army, Navy, Air Force, or other armed
27 services, public health service including, but not limited to,

1 a federally qualified health center authorized and operating
2 under Section 330 of the Public Health Service Act (42 U.S.C.
3 § 254B), provided, however, that such federally qualified
4 health centers shall register pursuant to Section 34-9-7.2
5 (provided further however, dentists, dental hygienists, and
6 other personnel employed by any public health service which
7 performs dental health care for the general public under
8 programs funded in whole or part by the state or federal
9 government shall be subject to all of the provisions of this
10 chapter and the rules and regulations duly promulgated by the
11 Board of Dental Examiners governing the practice of dentistry
12 and dental hygiene in this state), Coast Guard, or Veteran's
13 Administration.

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

20 "(4) The filling of prescriptions of a licensed and
21 registered dentist, as hereinafter provided, by any person or
22 persons, association, corporation, or other entity for the
23 construction, reproduction, or repair of ~~prosthetic dentures,~~
24 ~~bridges, plates, prostheses (fixed or removable)~~ or appliances
25 on a ~~model~~ cast made by or from impressions ~~taken~~ made by a
26 licensed and currently registered dentist, to be used or worn
27 as a substitute for natural teeth; provided, that the person

1 or persons, association, corporation, or other entity, shall
2 not solicit or advertise, directly or indirectly, by mail,
3 card, newspaper, pamphlet, radio, television, Internet, or
4 otherwise, to the general public to construct, reproduce, or
5 repair ~~prosthetic dentures, bridges, plates,~~ protheses (fixed
6 or removable) or other appliances to be used or worn as
7 substitutes for natural teeth.

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

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

23 "(7) The use of a nurse in the practice of
24 professional or practical nursing, as defined in Sections
25 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
26 are not licensed and registered to practice dentistry or
27 dental hygiene in the state. The dean of any dental college

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

20 "(b) The board shall annually issue dental faculty
21 special teaching permits to persons who are bona fide members
22 of the faculty of a dental college if they hold a dental
23 degree but are not licensed and registered to practice
24 dentistry or dental hygiene in the state. The dean of any
25 dental college located in the state shall annually certify to
26 the board the bona fide members of the clinical faculty of the
27 college who are not licensed and registered to practice

1 dentistry or dental hygiene in the state. The board shall
2 issue special teaching permits to applicants upon
3 certification by the dean. The special teaching permits shall
4 be invalid if the holder ceases to be a member of the clinical
5 faculty of the dental college. The dean of any dental college
6 shall promptly notify the board regarding changes in the
7 faculty which affect the eligibility of a faculty member to
8 possess a special teaching permit. The holder of a special
9 teaching permit shall be subject to this chapter and may
10 perform all clinical operations on his or her private patients
11 which a person licensed to practice dentistry or dental
12 hygiene in the state is entitled to perform. The clinical
13 operations may only be performed within the faculty private
14 practice facilities of the dental college or any other
15 facility approved by the board. An annual fee established
16 pursuant to this chapter shall be paid to the board when the
17 special teaching permit is issued.

18 "§34-9-9.

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

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

24 "(2) Place in the possession of a dentist, dental
25 hygienist, or other agent such dental material or equipment as
26 may be necessary for the management of a dental office on the

1 basis of a lease or any other agreement for compensation for
2 the use of such material, equipment, or offices, ~~or.~~

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

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

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

23 "(b) A prohibited business arrangement or
24 relationship as defined in subsection (a) shall not be
25 considered a violation of that subsection if a prohibited
26 arrangement or relationship results from the death of a

1 licensed dentist and is cured within 12 months of the date of
2 the death.

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

11 "~~(1)~~ The selection of a course of treatment for a
12 patient, the procedures or materials to be used as a part of
13 such course of treatment, ~~and~~ or the manner in which such
14 course of treatment is carried out by the licensee~~;~~.

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

19 "~~(2)~~ (1) The patient records of a dentist~~;~~.

20 "~~(3)~~ (2) Policies and decisions relating to pricing,
21 credit, refunds, warranties, and advertising~~;~~ ~~and~~.

22 "~~(4)~~ (3) Decisions relating to office personnel and
23 hours of practice.

24 "~~(d)~~ (e) Any licensed dentist or dental hygienist who
25 enters into any of the arrangements or relationships ~~described~~
26 in violation of subsection (a) or subsection (c) with an

1 unlicensed person as defined above, may be subject to any of
2 the penalties set forth in Section 34-9-18.

3 "§34-9-10.

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

17 "(b) Licensure by examination shall be applicable to
18 the following categories:

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

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

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

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

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

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

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

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

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

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

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

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

26 "(8) The dentist applicant ~~must~~ shall submit
27 affidavits from two licensed dentists ~~or~~ practicing in the

1 same geographical area where the applicant is then practicing
2 or teaching attesting to the moral character, standing, and
3 ability of the applicant. The dental hygiene applicant shall
4 submit affidavits from two licensed dentists or two licensed
5 dental hygienists practicing in the same geographical area
6 where the applicant ~~currently~~ is then practicing or teaching
7 attesting to the ~~applicant's~~ moral character, standing, and
8 ability of the applicant.

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

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

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

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

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

27 "a. Questioning under oath.

1 "b. Results of peer review reports from constituent
2 dental societies or federal dental services.

3 "c. Substance abuse testing or treatment.

4 "d. Background checks for criminal or fraudulent
5 activities.

6 "e. Participation in continuing education.

7 "f. A current certificate in cardiopulmonary
8 resuscitation.

9 "g. Recent case reports or oral defense of diagnosis
10 and treatment plans.

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

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

16 "j. Proof of professional liability coverage and
17 that coverage has not been refused, declined, cancelled,
18 nonrenewed, or modified.

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

1 "1. Whether the applicant's DEA registration or any
2 state controlled substances permit has ever been revoked,
3 suspended, modified, restricted, or limited in any way.
4 Provided, however, that any discipline that results only from
5 a failure to timely renew a registration or permit shall not
6 prevent an applicant from being eligible for this method of
7 licensure.

8 "(14) If all criteria and requirements are satisfied
9 and the board determines, after notice and hearing, that the
10 individual committed fraud or in any way falsified any
11 information in the application process, the license may be
12 revoked by the board.

13 "(15) In addition to the requirements for applicants
14 seeking licensure by credentials, an applicant desiring to
15 practice a specialty only must meet the following
16 requirements:

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

19 "b. The applicant must meet the existing educational
20 requirements and standards set forth by the American Dental
21 Association for that approved specialty.

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

25 "d. If an applicant who is initially licensed by
26 credentials for a specialty practice decides to renounce his
27 or her specialty and practice general dentistry, and the

1 license originally issued did not require a general dental
2 license but rather a specialty license, or the applicant
3 originally passed only a specialty examination, the applicant
4 may not practice general dentistry until he or she
5 successfully passes the board's regular general dentistry
6 examination. However, if the applicant has passed a general
7 dentistry examination or has a general dentistry license, was
8 practicing a specialty, and decides not to continue that
9 specialty and practice only general dentistry, the applicant
10 is eligible for licensure by credentials as a general dentist.

11 "(e) Notwithstanding the provisions of subsection
12 (a), the board shall issue a special purpose license to
13 practice dentistry across state lines to an applicant who has
14 met the following requirements:

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

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

26 "(3) The applicant submits an application for a
27 certificate of qualification for a special purpose license to

1 practice dentistry across state lines on a form provided by
2 the board, remits an application fee in an amount established
3 by the board, and pays a fee.

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

21 "(g) Notwithstanding the provisions of this section,
22 the board shall only issue a special purpose license to
23 practice dentistry across state lines to an applicant whose
24 principal practice location and license to practice are
25 located in a state or territory of the United States whose
26 laws permit or allow for the issuance of a special purpose
27 license to practice dentistry across state lines or similar

1 license to a dentist whose principal practice location and
2 license are located in another state. It is the stated intent
3 of this section that dentists who hold a full and current
4 license in the State of Alabama be afforded the opportunity to
5 obtain, on a reciprocal basis, a license to practice dentistry
6 across state lines in any other state or territory of the
7 United States as a precondition to the issuance of a special
8 purpose license as authorized by this section to a dentist
9 licensed in the other state or territory. The board shall
10 determine which states or territories have reciprocal
11 licensure requirements meeting the qualifications of this
12 section.

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

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

24 "§34-9-13.

25 "Every practitioner of dentistry and dental hygiene
26 within the meaning of this chapter shall have in his or her

1 possession a license certificate and an annual registration
2 certificate in the office wherein he or she practices.

3 "§34-9-15.

4 "(a) No person shall practice dentistry or dental
5 hygiene in the State of Alabama unless licensed or permitted
6 by the board and registered annually as required by this
7 chapter. The secretary-treasurer of the board shall ~~mail~~ issue
8 to each licensee an initial registration form which shall
9 contain space for the insertion of name, address, date, and
10 number of license certificate, and other information as the
11 board shall deem necessary. The licensee shall sign and verify
12 the accuracy of the registration before a notary public after
13 which he or she shall forward the registration to the
14 secretary-treasurer of the board together with a fee. Each
15 subsequent registration shall be made in electronic format or
16 by United States mail upon ~~the a form as above prescribed~~
17 ~~except that it need not be verified~~ to be determined by the
18 board. On or before October 1 of each year, every dentist and
19 dental hygienist licensed to practice dentistry or dental
20 hygiene in the state shall transmit either online or by United
21 States mail to the secretary-treasurer of the board the
22 completed form prescribed by the board, together with a fee
23 established by the board pursuant to this chapter, and receive
24 ~~therefor~~ thereafter the current annual registration
25 certificate authorizing him or her to continue the practice of
26 dentistry or dental hygiene in the state for a period of one
27 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
26 disability, has retired from the practice of dentistry or
27 dental hygiene or who is suffering a malady of a lingering or

1 permanent nature. The board by rule shall waive annual
2 registration and the payment of fees while any licensee is on
3 temporary active duty with any of the Armed Forces of the
4 United States. The waiver of fees herein provided shall be
5 effective so long as the retirement because of age or physical
6 disability or temporary active duty continues.

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

13 "§34-9-15.1.

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

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

25 "(c) The provisions of the section shall survive the
26 closing of a dental office or practice for any reason,

1 including, but not limited to, sale of practice, any
2 disciplinary action, retirement, disability, or death.

3 "§34-9-16.

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

7	"Description	Not Less Than	Not More Than
8	"Dental Examination Appli-		
9	cation Fee	\$200.00	\$750.00
10	"Dental Examination Fee	\$100.00	\$2,500.00
11	"Dental Examination Mate-		
12	rials Fee	\$200.00	\$500.00
13	"Dental Licensure by Cre-		
14	dentials Application Fee	\$100.00	\$4,000.00
15	"Dental Licensure by Re-		
16	gional Exam Application		
17	Fee	\$100	\$1,000.00
18	"Special Purpose Licensure		
19	Fee	\$200.00	\$750.00
20	<u>"Special Purpose Licensure</u>		
21	<u>Renewal Fee</u>		<u>\$750.00</u>
22	"Dental Annual Registra-		
23	tion Fee	\$130.00	\$500.00
24	"Dental License Reinstat-	\$250.00	\$500.00

1	ment Penalty		
2	"Dental Hygiene Program		
3	Application Fee	\$50.00	\$500.00
4	"Alabama Dental Hygiene		
5	Training Permit Fee	\$0.00	\$450.00
6	"Alabama Dental Hygiene		
7	Training Education Fee	\$175.00	\$600.00
8	"Alabama Dental Hygiene		
9	Program Instructor Certif-		
10	ication Course Fee	\$75.00	\$200.00
11	"Alabama Dental Hygiene		
12	Program Instructional Ma-		
13	terials Fee	\$500.00	\$950.00
14	"Dental Hygiene By Re-		
15	gional Exam Application		
16	Fee	\$55.00	\$75.00
17	"Dental Hygiene Examina-		
18	tion Application Fee	\$50.00	\$500.00
19	"Dental Hygiene Examina-		
20	tion Fee	\$100.00	\$600.00
21	"Dental Hygiene Examina-		
22	tion Materials Fee	\$100.00	\$400.00
23	"Dental Hygiene Licensure		
24	by Credentials Fee	\$0.00	\$2,000.00

1	"Dental Hygiene Annual		
2	Registration Fee	\$55.00	\$75.00
3	"Dental Hygiene License		
4	Reinstatement Penalty	\$100.00	\$200.00
5	"License Certificate Fee	\$25.00	\$500.00
6	"Duplicate <u>or Replacement</u>		
7	License Fee	\$25.00	\$150.00
8	"Dental Faculty Teaching		
9	Permit Fee	\$150.00	\$350.00
10	<u>"Dental Faculty Special</u>		
11	<u>Teaching Permit Fee</u>		<u>\$500.00</u>
12	"Alabama Controlled Sub-		
13	stance Permit Fee	\$125.00	\$400.00
14	"Alabama Controlled Sub-		
15	stance Permit Renewal Fee	\$100.00	\$400.00
16	"General Anesthesia Permit		
17	Fee	\$900.00	\$1,500.00
18	"General Anesthesia Permit		
19	Renewal Fee	\$200.00	\$750.00
20	"Parenteral Sedation Per-		
21	mit Fee	\$900.00	\$1,500.00
22	"Parenteral Sedation Per-		
23	mit Renewal Fee	\$200.00	\$750.00
24	"Oral Conscious Sedation	\$100.00	\$250.00

1	Permit Fee		
2	"Oral Conscious Sedation		
3	Permit Renewal Fee	\$50.00	\$250.00
4	"Mobile Dental Applica-		
5	tion/Inspection Fee	\$750.00	\$1,500.00
6	"Mobile Dental Renewal Fee	\$250.00	\$1,500.00
7	" <u>Mobile Dental Facil-</u>		
8	<u>ity/Portable Dental Opera-</u>		
9	<u>tion Application for Cer-</u>		
10	<u>tificate of Registration</u>		
11	<u>Fee</u>		<u>\$750.00</u>
12	" <u>Mobile Dental Facil-</u>		
13	<u>ity/Portable Dental Opera-</u>		
14	<u>tion Renewal of Certifi-</u>		
15	<u>cate of Registration Fee</u>		<u>\$500.00</u>

16 "§34-9-18.

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

22 "(1) Fraud, deceit, or misrepresentation, ~~whether~~
23 ~~knowingly or unknowingly,~~ in obtaining any license, license

1 certificate, annual registration certificate, money, or other
2 thing of value.

3 "(2) Gross immorality.

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

6 "(4) Is an habitual user of intoxicants or drugs
7 rendering him or her unfit for the practice of dentistry or
8 dental hygiene.

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

11 "(6) Is guilty of negligence or gross negligence, ~~as~~
12 ~~defined by the board, in the practice of dentistry or dental~~
13 ~~hygiene.~~

14 "a. For the purposes of this subdivision, negligence
15 is defined as the failure to do what a reasonably prudent
16 dentist or dental hygienist would have done under the same or
17 similar circumstances or the doing of that which a reasonably
18 prudent practitioner would not have done under the same or
19 similar circumstances.

20 "b. For the purposes of this subdivision, gross
21 negligence is defined as willful or wanton conduct with
22 reckless, malicious, or conscious disregard for the rights or
23 safety of others, or conduct that is so deliberate,
24 outrageous, and callous as to display total indifference to
25 the health or safety of a patient, that could result in
26 serious bodily injury or death.

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

6 "(8) Willfully or negligently violates the rules of
7 the State Department of Health or of the board regarding
8 sanitation.

9 "(9) Is guilty of division of fees, or agreeing to
10 split or divide the fee received for dental service with any
11 person for bringing or referring a patient without the
12 knowledge of the patient or his or her legal representative,
13 except the division of fees between dentists practicing in a
14 partnership and sharing professional fees, or in case of one
15 licensed dentist employing another.

16 "(10) Is guilty of professional connection or
17 association with or lending his or her name to anyone who is
18 engaged in the illegal practice of dentistry or dental
19 hygiene.

20 "(11) Conviction in any court of competent
21 jurisdiction of a felony or a misdemeanor involving moral
22 turpitude.

23 "(12)a. A dental hygienist using or attempting to
24 use in any manner whatsoever any prophylactic list, call list,
25 records, reprints, or copies of same, or information gathered
26 therefrom, of the names of patients whom the dental hygienist
27 served in the office of a prior employer, unless the names

1 appear upon the bona fide call or prophylactic list of his or
2 her present employer and were caused to appear through the
3 legitimate practice of dentistry or dental hygiene as provided
4 for in this chapter.

5 "b. A licensed dentist who aids or abets or
6 encourages a dental hygienist employed by him or her to make
7 use of a ~~so-called~~ prophylactic list or the calling by
8 telephone or by the use of letters transmitted through the
9 mails to solicit patronage from patients formerly served in
10 the office of any dentist employing the hygienist or nurse.

11 "(13) Pertaining to licensed dentists only, the
12 prescribing, administering or dispensing of any controlled
13 substances enumerated in Schedules I through V contained in
14 the Alabama Uniform Controlled Substances Act, Chapter 2 of
15 Title 20, or any amendment or successor thereto, or any drug
16 not prescribed for any dentally or facially related condition,
17 and/or for any necessary medication during the course of
18 treatment rendered directly by the dentist, for any person not
19 under his or her treatment in the regular practice of his or
20 her profession, ~~or veteran's administration.~~

21 "(14) Irregularities in billing an insurance company
22 or other third party payer for services rendered to a patient.
23 For the purposes of this section irregularities in billing
24 shall include: Reporting charges for the purpose of obtaining
25 a total payment in excess of that usually received by the
26 dentist for the services rendered; falsely reporting treatment
27 dates for the purpose of obtaining payment; falsely reporting

1 charges for services not rendered; falsely reporting services
2 rendered for the purpose of obtaining payment; or failing to
3 advise any third party payer that the copayment provisions of
4 a contract have been abrogated by accepting the payment
5 received from the third party payer as full payment.

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

8 "(16) Has had his or her license to practice
9 dentistry or dental hygiene from another state suspended or
10 revoked based upon acts similar to those described in this
11 section. A certified copy of the record of suspension or
12 revocation of the state making the suspension or revocation
13 shall be conclusive evidence thereof.

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

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

19 "(1) Refuse to issue the dentist or dental hygienist
20 license or ~~license certificate~~ permit provided for in this
21 chapter.

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

25 "(3) Suspend the license or permit of any dentist or
26 dental hygienist.

27 "(4) Enter a censure.

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

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

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

9 "(8) ~~Imposition of~~ Impose peer review or
10 professional education requirements.

11 "(9) ~~Assessment of~~ Assess the costs of the
12 disciplinary proceedings.

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

16 "(d) No disciplinary action as outlined in
17 subsection (b) or (c) hereof shall be invoked or entered
18 except after hearing by the board as provided in this chapter,
19 and such order is subject to judicial review as provided by
20 this chapter.

21 "No order of suspension or revocation provided in
22 this section shall be made or entered except after hearing by
23 the board as provided in this chapter, and the order shall be
24 subject to judicial review as provided by this chapter.

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

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

3 "(2) The initiation of a disciplinary action against
4 the licensee by any state or territorial licensing
5 jurisdiction in which the licensee holds a license to practice
6 dentistry.

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

19 "(f) Members of the ~~Board of Dental Examiners~~ board,
20 any agent, employee, consultant, or attorney for the board,
21 and the members of any committee of dentists or dental
22 hygienists impaneled by the board, shall be immune from suits
23 for any conduct in the course of their official duties with
24 respect to investigations or hearings; provided, that the
25 persons act without malice and in good faith that such
26 investigations or hearings are warranted by the facts, known

1 to them after diligent effort to obtain the facts of the
2 matter relative to the investigations or hearings.

3 "(g) Nothing in this chapter shall be interpreted to
4 limit or restrict the authority of the board to discipline any
5 dentist licensed to practice in this state who violates this
6 chapter while engaging in the practice of dentistry within
7 this or any other state.

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

12 "§34-9-20.

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

23 "§34-9-21.

24 "(a) Every duly licensed and registered dentist who
25 employs the services of a commercial dental laboratory or
26 private technician for the purpose of constructing, altering,
27 repairing, or duplicating any ~~denture, plate, crown, partial~~

1 ~~plate, bridge~~ protheses (fixed or removable), splint, or
2 orthodontic, ~~or prosthetic~~ appliance shall be required to
3 furnish the commercial dental laboratory or private technician
4 an impression or ~~model taken~~ cast made by the dentist when
5 necessary, together with a prescription setting forth the
6 following:

7 "(1) The name and address of the commercial dental
8 laboratory or private dental technician;.

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

13 "(3) The date on which the prescription was
14 written;.

15 "(4) A description of the work to be done, with
16 diagram if necessary;.

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

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

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

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

10 "§34-9-22.

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

1 registration or in taking any of the examinations provided for
2 herein.

3 "§34-9-24.

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

14 "§34-9-26.

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

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

11 "§34-9-27.

12 "A dental hygienist shall work only under the direct
13 supervision of a duly licensed dentist practicing in this
14 state. Dental hygienists may ~~take~~ make, develop, and mount
15 oral ~~X-rays~~ radiographs; remove calcareous deposits,
16 accretions, or stains from the teeth, perform any intra-oral
17 procedures allowed by rule or regulation of the Board of
18 Dental Examiners of Alabama and assist a licensed or permitted
19 dentist in his or her practice. Any person licensed by the
20 board under this section who has completed the curriculum for
21 dental hygienists at a dental school approved by the board
22 shall have the right to use the title registered dental
23 hygienist or the ~~abbreviations~~ abbreviation thereof, "R.D.H."
24 appended to his or her name signifying the license conferred.
25 The board may impose any of the penalties outlined in Section
26 34-9-18 against any dentist who shall permit any dental
27 hygienist working under his or her supervision to perform any

1 operation other than those permitted under the provisions of
2 this section, and may impose the penalties outlined in Section
3 34-9-18 against any dental hygienist who shall perform any
4 operation other than those permitted under this section.

5 "§34-9-28.

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

17 "§34-9-40.

18 "(a) In order to accomplish the purposes and to
19 provide for the enforcement of this chapter, there is hereby
20 created the Board of Dental Examiners of Alabama. The board is
21 hereby vested with the authority to carry out the purposes and
22 enforce the provisions of this chapter. On June 24, 1959, the
23 members of the present board now in existence shall hold
24 office for the remainder of their respective terms for which
25 they have been elected and thereafter until their successors
26 are elected and qualified and shall constitute the board under
27 this chapter. The board shall consist of six dentists who

1 shall be selected in the method set forth herein all of whom
2 having been actively engaged in the practice of dentistry in
3 the State of Alabama for at least five years next preceding
4 the date of their election and one dental hygienist elected
5 at-large as provided in subsection (b). Each member of the
6 board shall be a citizen of this state. No member of the board
7 shall be a member of the faculty of any dental school, dental
8 college, dental hygiene school, or dental hygiene college or
9 receive any financial benefits for teaching in any dental
10 school, dental college, dental hygiene school, or dental
11 hygiene college or have a financial interest in a commercial
12 dental laboratory or a dental supply business. ~~Beginning in~~
13 ~~October 2009, and every five years thereafter, one~~ One member,
14 who is qualified as provided herein, shall be selected by the
15 Alabama Dental Society ~~no later than July 1, 2009, and every~~
16 ~~five years thereafter~~. As for all elections of members, any
17 group of 10 or more licensed dentists, residing and practicing
18 dentistry in the state, may nominate a candidate for the
19 position of board member by submitting a petition bearing
20 their signatures to the secretary of the board to be
21 postmarked ~~not~~ no later than the first day of July in the year
22 of the election. The board shall cause the election ballots to
23 be mailed or published digitally not later than September 1 in
24 the year of the election to all the licensed dentists residing
25 and practicing in the state and currently registered as
26 prescribed by law, along with the annual registration form for
27 the forthcoming fiscal year. Both the annual registration form

1 and fee must accompany the ~~separately sealed~~ ballot that shall
2 be postmarked, or otherwise submitted electronically, no later
3 than October 1 ~~and returned~~ to the secretary of the board no
4 later than the first board workday following October 1 each
5 year, ballots being nullified unless accompanied by or
6 electronically filed with completed annual registration form
7 and annual registration fee. Three members of the board shall
8 be present at the ~~canvassing of time~~ the ballots, digital or
9 physical, are tallied. Any candidate receiving a majority of
10 the votes shall be declared elected to the board and will take
11 the oath of office on or before October 15 in the year of his
12 or her election. In the event no candidate receives a majority
13 of the votes cast, the board shall conduct a run-off election
14 between the two candidates receiving the largest number of
15 votes. The board shall cause the ballots pertaining to the
16 run-off election to be mailed or digitally published on or
17 before October ~~15~~ 31 of the election year to all the licensed
18 dentists residing and practicing in the state and currently
19 registered as prescribed by law, and the ballots pertaining to
20 the run-off election shall be postmarked or digitally
21 published no later than the ~~first~~ fourteenth day of November
22 in the year of the run-off election and received, if mailed,
23 by the secretary of the board no later than the first board
24 workday following the ~~first~~ fourteenth day of November. All
25 mailed ballots received after this date shall be nullified. In
26 the event of a run-off election, the candidate receiving the
27 largest number of votes in the run-off election shall be

1 declared elected to the board and shall ~~immediately~~ take the
2 oath of office and begin his or her term of office no later
3 than the next scheduled board meeting. Every member elected
4 shall hold office for a period of five years, which terms
5 shall begin immediately upon taking an oath to properly and
6 faithfully discharge the duties of his or her office and until
7 his or her successor is elected and qualified, and the member
8 so elected shall not at the expiration of the term be eligible
9 to succeed himself or herself. The membership of the board
10 shall be inclusive and reflect the racial, gender, geographic,
11 urban/rural, and economic diversity of the state. Except for
12 the board member position selected by the Alabama Dental
13 Society, vacancies on the board shall be filled by the board
14 by the appointment of the immediate past member of the board,
15 and if for any reason the immediate past member of the board
16 is unable to accept the appointment, then the board shall fill
17 the vacancy by appointment of the most recent past board
18 member who is willing to accept the appointment. If no past
19 board member accepts the appointment, then the board may, by
20 ~~unanimous~~ majority vote, appoint any licensed dentist
21 qualified under the provisions of this chapter. In the event
22 of a vacancy in the position selected by the Alabama Dental
23 Society, the Alabama Dental Society shall select a dentist who
24 is qualified as provided herein to fill the vacancy. Members
25 of the board shall be removed by a two-thirds vote of the
26 registered dentists in the state for neglect of duty or any
27 just cause, by petition to the secretary of the board by 10

1 percent of the licensed dentists in the state. On or before
2 July 1, 1962, the board shall send a copy of this section to
3 all licensed dentists in the state.

4 "(b) (1) One member of the board shall be a licensed
5 dental hygienist. The dental hygienist member shall be of good
6 moral and ethical character and shall have been actively
7 engaged in the practice of dental hygiene in the State of
8 Alabama for at least five years preceding the date of
9 election. No dental hygienist member shall be a member of the
10 faculty of any dental school, dental college, dental hygiene
11 school, or dental hygiene college or receive any financial
12 benefits for teaching in any dental school, dental college,
13 dental hygiene school, or dental hygiene college or have a
14 financial interest in a commercial dental laboratory or dental
15 supply business while serving on the board.

16 "(2) The dental hygienist member shall be elected as
17 follows:

18 "a. Any group of 10 or more licensed dental
19 hygienists, residing and practicing dental hygiene in the
20 State of Alabama, may nominate a candidate for the dental
21 hygienist position by submitting a petition bearing their
22 signatures to the secretary of the board no later than the
23 first day of July in the year of an election. The board shall
24 cause election ballots to be mailed or published digitally no
25 later than September 1 in the year of an election to all the
26 licensed dental hygienists residing and practicing in the
27 state and currently registered as prescribed by law. Both the

1 annual registration form and the registration fee must
2 accompany ~~a separately sealed~~ the ballot that shall be
3 postmarked or otherwise submitted electronically no later than
4 October 1 ~~and returned~~ to the secretary of the board no later
5 than the first board workday following October 1 each year,
6 and the ballots will be nullified unless ~~the voter has~~
7 ~~complied with Section 34-9-28, concerning annual registration~~
8 accompanied by or electronically filed with a completed annual
9 registration form and the annual registration fee.

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

1 mailed ballots received after November † 14 shall be
2 nullified. In the event of a run-off election, the dental
3 hygienist candidate receiving the largest number of votes in
4 the run-off election shall be declared elected to the board
5 and shall ~~immediately~~ take the oath of office and begin his or
6 her term of office no later than the next scheduled board
7 meeting.

8 "c. All elections as described above shall be
9 conducted by the board.

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

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

1 other past dental hygienist member. If a vacancy occurs and
2 there is not an immediate past dental hygienist member or
3 other past dental hygienist member, the vacancy shall be
4 filled by a unanimous vote of the board by the appointment of
5 some otherwise qualified dental hygienist.

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

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

27 "§34-9-41.

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

1 receive as compensation a sum to be fixed by the board for
2 each day actively engaged in the duties of their office, and
3 in addition board members shall receive the same per diem and
4 travel allowance as is paid by law to state employees for each
5 day actively engaged in the duties of their office. The
6 secretary-treasurer shall receive such compensation as may be
7 fixed by the board, which shall be in addition to his or her
8 per diem and expenses, provided no per diem or expenses shall
9 be allowed unless his or her duties require his or her absence
10 from his or her office. The secretary shall receive such
11 compensation as may be fixed by the board. The
12 secretary-treasurer shall be custodian of all property, money,
13 records and the official seal of the board. All money received
14 by the board under this chapter shall be paid to and received
15 by the secretary-treasurer of the board. The
16 secretary-treasurer shall deposit to the credit of the board
17 all funds paid to the board in a bank selected by its members.
18 The board is authorized to expend such funds as shall be
19 necessary to enforce the provisions of this chapter; to pay
20 salaries, expenses and other costs herein provided; to promote
21 the arts and science of dentistry; and for such other purposes
22 as the board shall consider to be in the best interest of
23 dentistry in this state. All the costs herein provided for
24 shall be paid by checks drawn by the secretary-treasurer and
25 countersigned by the president of the board; except the board
26 may authorize the administrative secretary or the executive
27 director to sign checks for costs that do not exceed a

1 monetary limit to be set by the board in its rules. Should the
2 property be other than money, the secretary-treasurer shall
3 provide for the safekeeping thereof for the use of the board.
4 All money, including license fees, annual renewal license
5 certificate fees, examination fees and any and all other fees
6 and receipts under the provisions of this chapter, are hereby
7 appropriated to the Board of Dental Examiners to be used as
8 herein provided.

9 "§34-9-43.

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

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

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

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

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

21 "(5) Formulate rules and regulations by which dental
22 schools and colleges are approved, and formulate rules and
23 regulations by which training, educational, technical,
24 vocational, or any other institution which provides
25 instruction for dental assistants, dental laboratory
26 technicians, or any other paradental personnel are approved.

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

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

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

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

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

24 "b. Authorize and employ investigators who comply
25 with the Peace Officers' Minimum Standards and Training Act to
26 exercise the powers of a peace officer in investigating
27 alleged violations of the drug or controlled substances laws

1 by persons licensed pursuant to this chapter, including the
2 powers of arrest and inspection of documents. ~~These~~
3 ~~investigators shall not be paid a subsistence allowance by the~~
4 ~~board.~~

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

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

16 "(12) Attend meetings, seminars, ~~work shops~~
17 workshops, or events that may improve the function and
18 efficiency of the board or improve the ability of the board to
19 enforce and administer this chapter.

20 "(b) The board, in exercising its powers and duties,
21 shall adhere to guidelines and proceedings of the State Ethics
22 Commission as provided in Chapter 25 of Title 36. The board
23 may adopt rules for the purpose of establishing additional
24 ethical guidelines.

25 "§34-9-44.

26 "The secretary-treasurer of the board shall keep a
27 registry in which shall be entered the names of all persons to

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

22 "§34-9-60.

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

26 "(1) All dentists are authorized to use local
27 anesthesia.

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

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

9 "1. Has completed a minimum of one year of advanced
10 training in anesthesiology and related academic subjects (or
11 its equivalent) beyond the undergraduate dental school level
12 in a training program as described in Part II of the
13 guidelines for teaching the comprehensive control of pain and
14 anxiety in dentistry; or

15 "2. Is a diplomate of the American Board of Oral and
16 Maxillofacial Surgery, or is eligible for examination by the
17 American Board of Oral and Maxillofacial Surgery, or is a
18 member of the American Association of Oral and Maxillofacial
19 Surgeons; or

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

26 "4. Has a properly equipped facility for the
27 administration of general anesthesia staffed with a supervised

1 team of auxiliary personnel capable of reasonably assisting
2 the dentist with procedures, problems, and emergencies
3 incident thereto. Adequacy of the facility and competence of
4 the anesthesia team shall be determined by the Board of Dental
5 Examiners as outlined below.

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

8 "b. Prior to the issuance of such permit, the Board
9 of Dental Examiners, at its discretion, may require an on-site
10 inspection of the facility, equipment, and personnel to
11 determine if, in fact, the aforementioned requirements have
12 been met. This evaluation shall be carried out in a manner
13 prescribed by the board. The evaluation shall be conducted by
14 a team of three examiners appointed by the Board of Dental
15 Examiners. These examiners shall be dentists who are
16 authorized to administer general anesthesia. If the results of
17 the initial evaluation are deemed unsatisfactory, ~~upon written~~
18 ~~request of the applicant, a second evaluation shall be~~
19 ~~conducted by a different team of examiners~~ the applicant may
20 reapply for a permit subject to the correction of the
21 deficiencies outlined in the original evaluation.

22 "(3) Each dentist who is licensed to practice
23 dentistry in the state on May 29, 1985, who desires to
24 continue to use general anesthesia shall make application on
25 the prescribed form to the Board of Dental Examiners within 12
26 months of May 29, 1985. If he or she meets the requirements of
27 this section, he or she shall be issued such a permit. If the

1 applicant does not meet the requirements of paragraph a. of
2 subdivision (2) of this section, he or she may be entitled to
3 a "general anesthesia permit" provided said applicant passes
4 to the satisfaction of the board an on-site inspection as
5 provided for in paragraph b. of subdivision (2) of this
6 section.

7 "(4) Each dentist who has not been using general
8 anesthesia prior to May 29, 1985, may be granted by the board
9 a temporary provisional permit based on the applicant's
10 producing evidence that he or she has complied with paragraph
11 a. of subdivision (2) of this section above pending complete
12 processing of the application and thorough investigation of an
13 on-site evaluation as described in paragraph b. of subdivision
14 (2) of this section.

15 "§34-9-63.

16 "The issuance of a permit for general anesthesia
17 shall include the privilege of administering parenteral
18 sedation in accordance with this section. The issuance of a
19 permit for parenteral sedation shall include the privilege of
20 administering intravenous sedation. All current intravenous
21 sedation permit holders are entitled to a parenteral sedation
22 permit subject to the renewal and regulatory provisions
23 afforded to the Board of Dental Examiners by this chapter. The
24 term parenteral sedation shall not include the use or
25 regulation of nitrous oxide.

26 "(1) ~~After August 1, 1993, no~~ No dentist shall use
27 parenteral sedation on an outpatient basis for dental patients

1 unless the dentist possesses a permit of authorization issued
2 by the board. The dentist applying for or holding the permit
3 shall be subject to on-site inspections as provided in
4 paragraph b. of subdivision (2) of Section 34-9-60.

5 "a. In order to receive the permit, the dentist
6 shall:

7 "1. Apply on a prescribed application form to the
8 board.

9 "2. Submit a fee.

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

12 "(i) Received formal training in the use of
13 parenteral sedation from a board approved training program, is
14 competent to handle all emergencies relating to parenteral
15 sedation, and is currently certified in cardiopulmonary
16 resuscitation. The certification of the formal training shall
17 specify the total number of hours, the number of didactic
18 hours, and the number of patient contact hours. The required
19 number of didactic hours and patient contact hours shall be
20 determined by the board.

21 "(ii) Equipped a proper facility for the
22 administration of parenteral sedation, staffed with a
23 supervised team of auxiliary personnel capable of reasonably
24 assisting the dentist with procedures, problems, and
25 emergencies incident to the sedation procedure.

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

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

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

24 "The board, in conducting the on-site inspection and
25 evaluations required in this section, shall appoint a team of
26 up to three examiners who shall be dentists certified to

1 administer parenteral sedation in accordance with this
2 article.

3 "(3) A dentist utilizing parenteral sedation and the
4 auxiliary personnel of the dentist shall be currently
5 certified in cardiopulmonary resuscitation and the dentist
6 shall be trained in advanced cardiac life support.

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

13 "§34-9-82.

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

16 "(1) Patients to be treated under oral conscious
17 sedation must be suitably evaluated prior to the start of any
18 sedation procedure. Using the American Society of
19 Anesthesiologists Patient Physical Status classifications the
20 dentist should determine that the patient is an appropriate
21 candidate for oral conscious sedation.

22 "(2) The patient or guardian must be advised
23 regarding the procedure associated with the delivery of any
24 sedative agents and the appropriate written informed consent
25 should be obtained.

26 "(3) Inhalation equipment used in conjunction with
27 oral conscious sedation must be evaluated prior to use on each

1 patient. Determination of adequate oxygen supply must be
2 completed prior to use with each patient.

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

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

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

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

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

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

21 "(10) Direct clinical observation and monitoring of
22 the patient by a staff member must be continuous during the
23 recovery period. The dentist shall assess the patient's
24 responsiveness and must determine that the patient has met
25 discharge criteria prior to leaving the office and the patient
26 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
26 the oral and pharyngeal cavities. A stethoscope and a

1 sphygmomanometer with cuffs of appropriate size shall be
2 immediately available.

3 "§34-9-89.

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

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

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

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

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

1 all of the clinics. All dentists and hygienists at each clinic
2 shall possess the applicable licenses or permits required by
3 this chapter and shall be subject to this chapter.

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Children and Se-
nior Advocacy..... 05-APR-11

Read for the second time and placed
on the calendar 1 amendment 14-APR-11

Read for the third time and passed
as amended..... 27-APR-11

Yeas 93, Nays 0, Abstains 1

Greg Pappas
Clerk