

**House Boards, Agencies and Commissions Reported
Substitute for HB285**



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A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§34-9-1

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

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

~~(1)~~ (2) ANNUAL REGISTRATION. The documentary evidence that the board has renewed the authority of the licensee to practice dentistry or dental hygiene in this state.



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29 ~~(2)~~ (3) BOARD. The Board of Dental Examiners of Alabama.

30 ~~(3)~~ (4) COMMERCIAL DENTAL LABORATORY. A technician or
31 group of technicians available to any or all licensed dentists
32 for construction or repair of dental appliances.

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

37 ~~(4)~~ (6) GENERAL ANESTHESIA. A controlled state of
38 unconsciousness, accompanied by a partial or complete loss of
39 protective reflexes, including inability to independently
40 maintain an airway and respond purposefully to physical
41 stimulation or verbal command, produced by a pharmacologic
42 method.

43 ~~(5)~~ (7) INFILTRATION ANESTHESIA. A form of local
44 anesthesia wherein the terminal or peripheral sensory portion
45 of either the maxillary or mandibular branch of the trigeminal
46 nerve endings are anesthetized by injecting a solution
47 submucosally into an intra-oral circumscribed area for the
48 relief or prevention of pain.

49 ~~(6)~~ (8) LICENSE. The grant of authority by the board to
50 a person to engage in the practice of dentistry or dental
51 hygiene.

52 ~~(7)~~ (9) LICENSE CERTIFICATE. The documentary evidence
53 under seal of the board that the board has granted authority
54 to the licensee to practice dentistry or dental hygiene in
55 this state.

56 ~~(8)~~ (10) LICENSED DENTIST. A dentist who holds a current



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57 license certificate from the board.

58 ~~(9)~~ (11) LICENSED HYGIENIST. A hygienist who holds a
59 current license certificate from the board.

60 ~~(10)~~ (12) LOCAL ANESTHESIA. The elimination of
61 sensations, especially pain in one part of the body by topical
62 application or regional injection of a drug.

63 ~~(11)~~ (13) PATIENT ABANDONMENT. The termination of dental
64 treatment without giving the patient adequate notice of at
65 least 15 days before the termination of dental treatment.
66 Adequate notice includes informing the patient of the
67 availability of emergency treatment and providing the patient
68 with an opportunity to obtain the services of another dentist
69 during the notice period. Abandonment may also occur if the
70 dentist jeopardizes the health of the patient during the
71 termination process.

72 ~~(12)~~ (14) PRACTICE OF DENTISTRY ACROSS STATE LINES.

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

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

81 2. The rendering of treatment to a patient located
82 within this state by a dentist located outside this state as a
83 result of transmission of individual patient data by
84 electronic or other means from this state to the dentist or



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85 his or her agent.

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

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

99 ~~(13)~~ (15) PRIVATE ~~TECHNICIANS~~ TECHNICIAN. A technician
100 employed by a dentist or group of dentists for a specified
101 salary.

102 ~~(14)~~ (16) SEDATION. A depressed level of consciousness
103 that retains the patient's ability to independently and
104 continuously maintain an airway and respond appropriately to
105 physical stimulation or verbal command, produced by a
106 pharmacologic method."

107 "§34-9-10

108 (a) (1) Every ~~person~~ individual who desires to practice
109 dentistry within the State of Alabama shall file an
110 application accompanied by the appropriate fee prescribed by
111 the board.

112 (2) Notwithstanding ~~the~~ any particular requirement or



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113 method of obtaining licensure ~~or any particular requirement~~
114 set forth herein, every ~~person as a prerequisite to licensure~~
115 applicant shall be at least 19 years of age, of good moral
116 character, a citizen of the United States or, if not a citizen
117 of the United States, ~~a person~~ an individual who is legally
118 present in the United States with appropriate documentation
119 from the federal government, and a graduate of a dental school
120 or college accredited by the American Dental Association
121 Commission on Dental Accreditation and approved by the board,
122 and shall satisfy any other requirement set forth in any rule
123 adopted by the board.

124 (3) The board may issue a license to practice dentistry
125 to any applicant who meets the licensure requirements set
126 forth in this chapter and the applicable rules of the board,
127 and may refrain from issuing a license to any applicant if the
128 board determines that doing so would be inconsistent with the
129 public interest and the promotion of public health and safety.

130 (b) Licensure by examination shall be applicable to the
131 following categories:

132 (1) ~~Those individuals~~ An applicant who ~~have~~ has never
133 been licensed or taken an examination and whose application to
134 take an examination administered or approved by the board is
135 received by the board within 18 months of graduation from
136 dental school or completion of an accredited or approved
137 post-doctoral residency program.

138 (2) ~~Those individuals~~ An applicant who ~~have~~ has
139 successfully passed an examination approved but not
140 administered by the board so long as an application for



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141 licensure is received by the board within five years of the
142 date of notification of passing ~~such~~ the examination. ~~All~~
143 ~~applicants shall pay a fee which shall accompany the~~
144 ~~application.~~

145 (c) Any ~~individual~~ applicant who possesses a current
146 license in any state, who has passed an examination approved
147 by the board and who has, since graduation from dental or
148 dental hygiene school, practiced or participated in a clinical
149 residency or practiced dentistry or dental hygiene in the
150 Armed Forces or with the public health service shall be
151 eligible for licensure if ~~an~~ his or her application is
152 received by the board within five years of the completion of
153 the subject residency or Armed Forces or public health service
154 commitment. ~~All the above applicants shall pay a fee which~~
155 ~~shall accompany the application.~~

156 (d) Licensure by credentials may be utilized to
157 evaluate the theoretical knowledge and clinical skill of a
158 dentist or dental hygienist when an applicant for licensure by
159 credentials holds a dental or dental hygiene license in
160 another state. The board may ~~promulgate~~ establish rules ~~and~~
161 ~~regulations~~ relating to licensure by credentials in addition
162 to any requirements by law. ~~An~~ The dentist or dental hygienist
163 applicant for licensure by credentials shall satisfy all of
164 the following:

165 (1) ~~The dentist or dental hygienist shall have~~ Has been
166 engaged in the active practice of clinical dentistry or
167 clinical dental hygiene or in full-time dental or dental
168 hygiene education for the five years or 5,000 hours



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169 immediately preceding his or her application.

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

174 (3) ~~The board of examiners in the state of current~~
175 ~~practice shall verify or endorse that the applicant's license~~
176 ~~is~~ Is licensed in good standing without any restrictions, as
177 verified by the board of examiners in the state of current
178 practice.

179 (4) ~~The dentist or dental hygienist shall~~ Is not ~~be~~ the
180 subject of a pending disciplinary action in any state in which
181 ~~the individual~~ he or she has been licensed ~~which shall be~~ as
182 verified by a query to the National Practitioner Data Bank,
183 the Health Integrity Protection Data Bank, the American
184 Association of Dental Boards Clearing House for Disciplinary
185 Information, or any other pertinent bank currently existing or
186 which may exist in the future.

187 (5) ~~The applicant shall provide~~ Provides a written
188 statement agreeing to be interviewed at the request of the
189 board.

190 (6) ~~The individual shall successfully pass~~ Passes a
191 written jurisprudence examination.

192 (7) ~~There shall be certification from~~ Is certified by
193 the United States Drug Enforcement Administration and from the
194 state board of any state in which ~~the applicant~~ he or she is
195 or has been licensed that the DEA registration is not the
196 subject of any pending disciplinary action or enforcement



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197 proceeding of any kind.

198 (8) ~~a. The dentist applicant shall submit~~ Submits
199 affidavits as a dentist applicant from two licensed dentists
200 practicing in the same geographical area where the applicant
201 is then practicing or teaching attesting to the moral
202 character, standing, and ability of the applicant.

203 ~~b. The dental hygiene applicant shall submit~~ Submits
204 affidavits as a dental hygienist applicant from two licensed
205 dentists or two licensed dental hygienists, or any combination
206 of two thereof, practicing in the same geographical area where
207 ~~the applicant~~ he or she is then practicing or teaching,
208 attesting to ~~the~~ his or her moral character, standing, and
209 ability ~~of the applicant~~.

210 (9) ~~The applicant shall provide~~ Provides the board with
211 an official transcript with school seal from the school of
212 dentistry or school of dental hygiene ~~which that~~ issued ~~the~~
213 ~~applicant's~~ his or her professional degree, or ~~execute~~
214 executes a request and authorization allowing the board to
215 obtain the transcript.

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

219 (11) ~~The applicant shall not be~~ Is not the subject of
220 any pending or final action from any hospital revoking,
221 suspending, limiting, modifying, or interfering with any
222 clinical or staff privileges.

223 (12) ~~The applicant shall not have~~ Has not been
224 convicted of a felony or misdemeanor involving moral turpitude



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225 or of any law dealing with the administering or dispensing of
226 legend drugs, including controlled substances.

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

230 a. Questioning under oath.

231 b. Results of peer review reports from constituent
232 dental societies or federal dental services.

233 c. Substance abuse testing or treatment.

234 d. Background checks for criminal or fraudulent
235 activities.

236 e. Participation in continuing education.

237 f. A current certificate in cardiopulmonary
238 resuscitation.

239 g. Recent case reports or oral defense of diagnosis and
240 treatment plans.

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

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

246 j. Proof of professional liability coverage and that
247 coverage has not been refused, declined, ~~cancelled~~canceled,
248 nonrenewed, or modified.

249 k. Whether the applicant has been subject to any final
250 disciplinary action in any state in which ~~the individual~~ he or
251 she has been licensed which shall be verified by a query in
252 the National Practitioner Data Bank, the Health Integrity



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253 Protection Data Bank, the American Association of Dental
254 Boards Clearing House for Disciplinary Information, any state
255 where the applicant has been licensed, or any other pertinent
256 bank currently existing or which may exist in the future.

257 1. Whether the applicant's DEA registration or any
258 state controlled substances permit has ever been revoked,
259 suspended, modified, restricted, or limited in any way.
260 Provided, however, that any discipline that results only from
261 a failure to timely renew a registration or permit shall not
262 prevent ~~an applicant~~ him or her from being eligible for this
263 method of licensure.

264 ~~(14)~~ (e) If all criteria and requirements are satisfied
265 and the board determines, after notice and a hearing, that the
266 ~~individual~~ applicant committed fraud or in any way falsified
267 any information in the application process, the license may be
268 revoked by the board.

269 ~~(15)~~ (f) In addition to the requirements for applicants
270 seeking licensure by credentials, an applicant desiring to
271 practice a specialty only shall satisfy the following
272 requirements:

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

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

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



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281 ~~d.~~ (4) If an applicant who is initially licensed by
282 credentials for a specialty practice decides to renounce his
283 or her specialty and practice general dentistry, and the
284 license originally issued did not require a general dental
285 license but rather a specialty license, or if the applicant
286 originally passed only a specialty examination, the applicant
287 may not practice general dentistry until he or she
288 successfully passes the board's regular general dentistry
289 examination. However, if the applicant ~~has~~ passed a general
290 dentistry examination or ~~has~~ holds a general dentistry
291 license, ~~was practicing~~ practices a specialty, ~~and then~~
292 decides not to continue that specialty ~~and~~ but to practice
293 only general dentistry, the applicant is eligible for
294 licensure by credentials as a general dentist.

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

299 ~~(1)~~ a. ~~The applicant holds~~ Holds a full and unrestricted
300 license to practice dentistry in any state of the United
301 States or in territories, other than the State of Alabama, in
302 which the ~~individual~~ applicant is licensed.

303 ~~(2)~~ b. ~~The applicant has~~ Has not had any disciplinary
304 action or other action taken against him or her by any state
305 or licensing jurisdiction. If there has been previous
306 disciplinary or other action taken against the applicant, the
307 board may issue a certificate of qualification if it finds
308 that the previous disciplinary or other action indicates that



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309 the dentist is not a potential threat to the public.

310 ~~(3)c. The applicant submits~~ Submits an application and
311 an application fee for a certificate of qualification for a
312 special purpose license to practice dentistry across state
313 lines on a form provided by the board, ~~remits an application~~
314 ~~fee in an amount established by the board,~~ and pays a fee upon
315 certification. All required fees shall be established by the
316 board.

317 ~~(f)~~ (2) A special purpose license issued by the board to
318 practice dentistry across state lines limits the licensee
319 solely to the practice of dentistry across state lines. The
320 special purpose license shall be valid for a period of up to
321 three years, shall expire on a renewal date determined by the
322 board, and may be renewed upon receipt of a renewal fee as
323 established by the board. Failure to renew a license according
324 to the renewal schedule established by the board shall cause
325 the special purpose license to be inactive. An applicant may
326 reapply for a special purpose license to practice dentistry
327 across state lines following placement of the license on
328 inactive status. The applicant shall meet the qualifications
329 of subsection (e) in order to be eligible for renewal of the
330 license.

331 ~~(g)~~ (3) Notwithstanding the provisions of this section,
332 the board shall only issue a special purpose license to
333 practice dentistry across state lines to an applicant whose
334 principal practice location and license to practice are
335 located in a state or territory of the United States whose
336 laws permit or allow for the issuance of a special purpose



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337 license to practice dentistry across state lines or similar
338 license to a dentist whose principal practice location and
339 license are located in another state. It is the stated intent
340 of this section that dentists who hold a full and current
341 license authorizing him or her to practice in the State of
342 Alabama shall be afforded the opportunity to obtain, ~~on a~~
343 ~~reciprocal basis,~~ a reciprocal license to practice dentistry
344 across state lines in any other state or territory of the
345 United States as a precondition to the issuance of a special
346 purpose license as authorized by this section to a dentist
347 licensed in the other state or territory. The board shall
348 determine which states or territories have reciprocal
349 licensure requirements meeting the qualifications of this
350 section.

351 (h) Any ~~individual applicant~~ who does not qualify for
352 licensure pursuant to any of the above subsections but who has
353 passed an out-of-state examination approved by the board and
354 possesses a ~~current~~ license in good standing authorizing the
355 applicant to practice in the state of issuance ~~another state~~
356 is eligible to apply for licensure upon payment of a fee
357 established by the board. The board shall have discretion
358 whether to require an examination for ~~any such individual~~ the
359 applicant, including the time, place, type, and content of ~~any~~
360 ~~such~~ the examination.

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

364 "§34-9-11



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365 When an application and accompanying proof as ~~are~~
366 required ~~herein~~ under this chapter are found satisfactory, the
367 ~~board~~ Board shall notify the applicant to appear for
368 examination at a time and place to be fixed by the board, and
369 each applicant shall be examined and graded by number in lieu
370 of name. All examinations provided for in this chapter shall
371 be approved by the board and shall be of ~~such~~ the type and
372 character as to test the qualifications of the applicant to
373 practice dentistry. ~~It is provided~~ Provided, however, ~~that~~ the
374 board may recognize any written parts of an examination given
375 by the Joint Commission on National Dental Examinations in
376 lieu of ~~such~~ or subject to the board examinations ~~or subject~~
377 ~~to such examinations~~ as the board may approve. Those found
378 qualified by the board, consistent with Section 34-9-10(a),
379 shall be granted a license and a license certificate which
380 shall bear a serial number, the full name of the licensee, the
381 date of issuance, and the seal of the board, and shall be
382 signed by each member of the board."

383 "§34-9-15

384 (a) No ~~person~~ individual shall practice dentistry or
385 dental hygiene in the State of Alabama unless licensed or
386 permitted by the board and registered annually as required by
387 this chapter.

388 (b) (1) The secretary-treasurer of the board shall issue
389 to each licensee an initial registration form which shall
390 contain space for the insertion of name, address, date, and
391 number of license certificate, and other information as the
392 board shall deem necessary. The licensee shall sign and verify



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393 the accuracy of the registration before a notary public after
394 which he or she shall forward the registration to the
395 secretary-treasurer of the board together with a fee. Each
396 subsequent registration shall be made in electronic format or
397 by United States mail upon a form to be determined by the
398 board.

399 (2) On or before October 1 of each year, every dentist
400 and dental hygienist licensed or permitted to practice
401 dentistry or dental hygiene in the state shall transmit either
402 online or by United States mail to the secretary-treasurer of
403 the board the completed form prescribed by the board, together
404 with a fee established by the board pursuant to this chapter,
405 and receive thereafter the current annual registration
406 certificate authorizing him or her to continue the practice of
407 dentistry or dental hygiene in the state for a period of one
408 year. Notwithstanding Section 34-9-16, the total amount of any
409 administrative fines and costs assessed upon the licensee
410 pursuant to Section 34-9-18 in a final and non-appealable
411 order or agreement shall be added to and made a part of the
412 fee.

413 (c) (1) Any license or permit previously granted under
414 the authority of this chapter or any prior dental practice act
415 shall automatically be suspended if the holder thereof fails
416 to secure the annual registration certificate before January
417 1, each year. Any dentist or dental hygienist whose license or
418 permit is automatically suspended by reason of failure,
419 neglect, or refusal to secure the annual registration
420 certificate shall be reinstated by the board upon payment of



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421 the penalty fee plus all accrued annual registration fees up
422 to a maximum of five years, accompanied with the prescribed
423 form for annual registration of the license or permit.

424 (2) Upon failure of any licensee or permittee to file
425 application for the annual registration certificate and pay
426 the annual registration fee on or before November 30, each
427 year, the board shall notify the licensee or permittee by mail
428 addressed to the last address of record that the application
429 and fee have not been received and that, unless the
430 application and fee are received on or before the first day of
431 January, the license or permit shall be automatically
432 suspended. The board shall notify the licensee or permittee by
433 mail addressed to the last address of record of the effective
434 date of the automatic suspension and the provisions for
435 registration of the license or permit.

436 (d) (1) The board shall waive the annual payment of fees
437 herein provided for and issue a current annual registration
438 certificate to any licensee or permittee who, ~~because of age~~
439 ~~or physical disability~~, has retired from the practice of
440 dentistry or dental hygiene because of age or physical
441 disability ~~or who is suffering a malady of a lingering or~~
442 ~~permanent nature~~.

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

446 (3) The ~~waiver~~ waivers of fees ~~herein~~ provided in this
447 subsection shall be effective so long as the retirement
448 because of age or physical disability or temporary active duty



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449 continues.

450 ~~(b)~~ (e) The board shall adopt ~~and promulgate~~ rules and
451 regulations for the adoption of a program of continuing
452 education for its licensees ~~by October 1, 1991. After that~~
453 ~~date, the~~ The successful completion of continuing education
454 program requirements shall be a requisite for renewal of
455 licenses and permits issued pursuant to this chapter."

456 "§34-9-26

457 (a) (1) No ~~person~~ individual shall practice as a dental
458 hygienist in this state until ~~such person has passed an~~
459 ~~examination given by the board or approved by the board, or~~
460 ~~both, under rules and regulations as the board may promulgate~~
461 ~~and the payment of a fee~~ he or she is duly licensed and
462 currently registered as a dental hygienist pursuant to this
463 chapter.

464 (b) The board ~~shall~~ may issue licenses and license
465 certificates to practice as dental hygienists to ~~those~~
466 ~~persons~~ applicants who have passed the examination and have
467 been found qualified by the board. Alternatively, the board
468 may deny licenses or license certificates in instances where
469 it determines that doing so would be inconsistent with the
470 public interest and the promotion of public health and safety.

471 (c) The license certificate and annual registration
472 certificate shall be displayed in the office in which the
473 dental hygienist is employed.

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



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477 (e) Each applicant for examination and license as a
478 dental hygienist shall meet either of the following
479 requirements:

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

483 (2) Has served as a dental assistant for a period of
484 time established by board rule and shall have served at least
485 one year as a dental hygienist trainee under a training permit
486 issued by the board to a qualified dentist practicing in this
487 state in accordance with the dental hygienist training program
488 established by the board.

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

492 "§34-9-27

493 (a) A dental hygienist ~~Dental hygienists~~ shall work
494 only under the direct supervision of a duly licensed dentist
495 practicing in this state. ~~Dental hygienists~~ A dental hygienist
496 may perform any duties allowed by rule ~~or regulation~~ of the
497 board and assist a licensed or permitted dentist in his or her
498 practice.

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



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505 (c) The board may impose any of the penalties outlined
506 in Section 34-9-18 against any dentist who shall permit any
507 dental hygienist working under his or her supervision to
508 perform any operation other than those permitted under this
509 section, and may impose the penalties outlined in Section
510 34-9-18 against any dental hygienist who ~~shall perform~~
511 performs any operation other than those permitted under this
512 section."

513 "§34-9-43

514 (a) The board shall exercise, subject to this chapter,
515 the following powers and duties:

516 (1) Adopt rules for its government as deemed necessary
517 and proper.

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

520 (3) Conduct or participate in examinations to ascertain
521 the qualification and fitness of applicants for licenses as
522 dentists and dental hygienists.

523 (4) ~~Make~~ Adopt rules ~~and regulations~~ regarding
524 sanitation.

525 (5) ~~Formulate~~ Adopt rules ~~and regulations~~ by which
526 dental schools and colleges are approved, and ~~formulate~~ adopt
527 rules ~~and regulations~~ by which training, educational,
528 technical, vocational, or any other institution ~~which~~ that
529 provides instruction for dental assistants, dental laboratory
530 technicians, or any other parodontal personnel are approved.

531 (6) Grant or deny licenses, ~~issue~~ license certificates,
532 teaching permits, and annual registration certificates in



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533 conformity with this chapter ~~to such qualified dentists and~~
534 ~~dental hygienists.~~

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

537 (8)a. Employ necessary ~~persons~~ individuals to assist in
538 performing its duties in the administration and enforcement of
539 this chapter, and to provide offices, furniture, fixtures,
540 supplies, printing, or secretarial service ~~to these persons~~
541 and expend necessary funds.

542 b. Employ an attorney or attorneys, subject to the
543 approval of the Attorney General, to advise and assist in the
544 carrying out and enforcing of the provisions of this chapter.
545 Provided, however, that if the board contracts with an outside
546 attorney to be general counsel to the board, that attorney or
547 any member of a law firm with which he or she is associated
548 shall not function as the board's prosecutor at disciplinary
549 hearings.

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

553 b. Authorize and employ investigators who comply with
554 the Alabama Peace Officers' ~~Minimum~~ Standards and Training Act
555 to exercise the powers of a peace officer in investigating
556 alleged violations of the drug or controlled substances laws
557 by ~~persons~~ individuals licensed pursuant to this chapter,
558 including the powers of arrest and inspection of documents.

559 (10) Adopt rules ~~and regulations~~ to implement this
560 chapter.



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561 (11) Publish, on a quarterly basis, all minutes, except
562 minutes of executive sessions, financial reports, schedules of
563 meetings, including anticipated executive sessions, and other
564 pertinent information on the board's website no later than 90
565 days following the date of occurrence. In addition, publish or
566 post annually the rules ~~and regulations promulgated~~ adopted by
567 the board, a copy of the Dental Practice Act, and a list of
568 all ~~persons~~ individuals licensed to practice under this
569 chapter.

570 (12) Attend meetings, seminars, workshops, or events
571 that may improve the function and efficiency of the board or
572 improve the ability of the board to enforce and administer
573 this chapter.

574 (b) The board, in exercising its powers and duties,
575 shall adhere to guidelines and proceedings of the State Ethics
576 Commission as provided in Chapter 25 of Title 36. The board
577 may adopt rules for the purpose of establishing additional
578 ethical guidelines."

579 "§34-9-60

580 Any ~~person~~ individual licensed or permitted to practice
581 dentistry in the State of Alabama shall be authorized to use
582 anesthesia in accordance with ~~the provisions of this~~
583 ~~section.~~ all of the following:

584 (1) All dentists are authorized to use local
585 anesthesia.

586 (2) Twelve months after May 29, 1985, no dentist shall
587 use general anesthesia on an outpatient basis for dental
588 patients, unless such dentist possesses a permit of



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589 authorization issued by the ~~Board of Dental Examiners~~board.

590 a. In order to receive ~~such~~the permit, the dentist
591 must apply on a prescribed application form to the ~~Board of~~
592 ~~Dental Examiners~~board, submit an application fee, and produce
593 evidence showing that he or she meets all of the following
594 requirements:

595 1. Has completed a minimum of one year of advanced
596 training in anesthesiology and related academic subjects (or
597 its equivalent) beyond the undergraduate dental school level
598 in a training program as described in Part II of the
599 guidelines for teaching the comprehensive control of pain and
600 anxiety in dentistry; or

601 2. Is a diplomate of the American Board of Oral and
602 Maxillofacial Surgery, or is eligible for examination by the
603 American Board of Oral and Maxillofacial Surgery, or is a
604 member of the American Association of Oral and Maxillofacial
605 Surgeons; or

606 3. Employs or works in conjunction with a ~~qualified~~
607 ~~medical doctor~~licensed physician who is a member of the
608 anesthesiology staff in an accredited hospital, provided that
609 such anesthesiologist must remain on the premises of the
610 dental facility until any patient given a general anesthetic
611 regains consciousness and is discharged; and

612 4. Has a properly equipped facility for the
613 administration of general anesthesia staffed with a supervised
614 team of auxiliary personnel capable of reasonably assisting
615 the dentist with procedures, problems, and emergencies
616 incident thereto. Adequacy of the facility and competence of



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617 the anesthesia team shall be determined by the ~~Board of Dental~~
618 ~~Examiners~~ board as outlined ~~below~~ in paragraph b.

619 5. ~~Possesses current~~ Has successfully completed
620 training in Advanced ~~Cardiac~~ Cardiovascular Life Support
621 (ACLS), ~~and basic life support certification~~ his or her
622 auxiliary personnel have successfully completed training in
623 Basic Life Support (BLS).

624 b. Prior to the issuance of ~~such~~ the permit, the ~~Board~~
625 ~~of Dental Examiners~~ board, at its discretion, may require an
626 on-site inspection of the facility, equipment, and personnel
627 to determine if, in fact, the ~~above~~ mentioned requirements in
628 paragraph a. have been met. This evaluation shall be carried
629 out in a manner prescribed by the board. The evaluation shall
630 be conducted by a team of three examiners appointed by the
631 ~~Board of Dental Examiners~~ board. ~~These examiners shall be~~
632 ~~dentists who are authorized to administer general~~
633 ~~anesthesia~~ The team of examiners shall consist of at least one
634 licensed dentist who holds a general anesthesia permit and at
635 least two other persons as prescribed by the board pursuant to
636 its rules. If the results of the initial evaluation are deemed
637 unsatisfactory, the applicant may reapply for a permit subject
638 to the correction of the deficiencies outlined in the original
639 evaluation.

640 (3) Each dentist who is licensed to practice dentistry
641 in the state on May 29, 1985, who desires to continue to use
642 general anesthesia shall make application on the prescribed
643 form to the ~~Board of Dental Examiners~~ board within 12 months
644 of May 29, 1985. If he or she meets the requirements of this



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645 section, he or she shall be issued such a permit. If the
646 applicant does not meet the requirements of paragraph ~~a. of~~
647 ~~subdivision (2) a. of this section~~, he or she may be entitled
648 to a "general anesthesia permit" provided ~~said the~~ applicant
649 passes to the satisfaction of the board an on-site inspection
650 as provided for in paragraph ~~b. of subdivision (2) of this~~
651 ~~section (2) b.~~

652 ~~(4) Each dentist who has not been using general~~
653 ~~anesthesia prior to May 29, 1985, may be granted by the board~~
654 ~~a temporary provisional permit based on the applicant's~~
655 ~~producing evidence that he or she has complied with paragraph~~
656 ~~a. of subdivision (2) of this section above pending complete~~
657 ~~processing of the application and thorough investigation of an~~
658 ~~on-site evaluation as described in paragraph b. of subdivision~~
659 ~~(2) of this section."~~

660 "§34-9-63

661 (a) The issuance of a permit for general anesthesia
662 shall include the privilege of administering parenteral
663 sedation in accordance with this section. The issuance of a
664 permit for parenteral sedation shall include the privilege of
665 administering intravenous sedation. All current intravenous
666 sedation permit holders are entitled to a parenteral sedation
667 permit subject to the renewal ~~and regulatory provisions~~
668 ~~afforded to the Board of Dental Examiners by~~ requirements and
669 board rules adopted by the board pursuant to this chapter. The
670 term "parenteral sedation" shall not include the use or
671 regulation of nitrous oxide.

672 (b) (1) No dentist shall use parenteral sedation on an



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673 outpatient basis for dental patients unless the dentist
674 possesses a permit of authorization issued by the board. The
675 dentist applying for or holding the permit shall be subject to
676 on-site inspections as provided in paragraph ~~b. of subdivision~~
677 (2)b. of Section 34-9-60.

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

680 ~~1.a.~~ Apply on a prescribed application form to the
681 board.

682 ~~2.b.~~ Submit a fee.

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

685 ~~(i)~~1. Received formal training in the use of parenteral
686 sedation from a board approved training program, is competent
687 to handle all emergencies relating to parenteral sedation, and
688 is currently certified in cardiopulmonary resuscitation. The
689 certification of the formal training shall specify the total
690 number of hours, the number of didactic hours, and the number
691 of patient contact hours. The required number of didactic
692 hours and patient contact hours shall be determined by the
693 board.

694 ~~(ii)~~2. Equipped a proper facility for the
695 administration of parenteral sedation, staffed with a
696 supervised team of auxiliary personnel capable of reasonably
697 assisting the dentist with procedures, problems, and
698 emergencies incident to the sedation procedure.

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



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

706 ~~(2)~~ (c) (1) Each dentist who is licensed to practice
707 dentistry in the state and who desires to continue to use
708 parenteral sedation shall make application to the board on the
709 prescribed form ~~to the board~~. If he or she meets the
710 requirements of this section, or currently holds a valid
711 intravenous sedation permit, he or she shall be issued such a
712 permit subject to all renewal and regulatory requirements of
713 Section 34-9-64. If the applicant does not meet the
714 requirements of ~~paragraph a. of subdivision (1) of this~~
715 ~~section~~ subdivision (b) (2), or does not currently hold a valid
716 intravenous sedation permit, he or she may be entitled to a
717 "parenteral sedation permit" if the applicant passes, ~~to the~~
718 ~~satisfaction of the board,~~ an on-site inspection to the
719 board's satisfaction. The inspection shall ascertain ~~that~~
720 whether the dentist has a properly equipped facility for the
721 administration of parenteral sedation, staffed with a
722 supervised team of auxiliary personnel capable of reasonably
723 assisting the dentist with incidental procedures, problems,
724 and emergencies.

725 ~~The board, in~~ (2) In conducting the on-site inspection
726 and evaluations required in this ~~section~~ subsection, the board
727 shall appoint a team of ~~up to three~~ examiners ~~who shall be~~
728 ~~dentists certified to administer parenteral sedation in~~



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729 ~~accordance with this article.~~ The team of examiners shall
730 consist of at least one licensed dentist who holds a
731 parenteral sedation permit and at least two other persons as
732 prescribed by the board pursuant to its rules.

733 ~~(3) A dentist utilizing parenteral sedation and the~~
734 ~~auxiliary personnel of the dentist shall be currently~~
735 ~~certified in cardiopulmonary resuscitation and the dentist~~
736 ~~shall be trained in advanced cardiac life support~~ (d) A dentist
737 utilizing parenteral sedation shall have successfully
738 completed training in Advanced Cardiovascular Life Support
739 (ACLS), and his or her auxiliary personnel shall have
740 successfully completed training in Basic Life Support (BLS).

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

747 "§34-9-86

748 ~~The board, prior~~ Prior to issuance of a permit for oral
749 conscious sedation, the board may require an on-site
750 inspection of the personnel, the facility, and the equipment
751 to determine if the requirements of this article have been
752 met. ~~The inspection team shall be determined by the board and~~
753 ~~shall reflect the principles of peer review~~ The on-site
754 inspection shall be conducted by an investigator employed by
755 the board pursuant to Section 34-9-3 or by such other
756 individuals as prescribed by the board pursuant to its rules."



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