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5 A BILL

6 TO BE ENTITLED

7 AN ACT

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9 Relating to the practice of dentistry and dental
10 hygiene; to amend Sections 34-9-1, 34-9-5, 34-9-10, 34-9-11,
11 34-9-15, 34-9-26, 34-9-27, 34-9-43, 34-9-60, 34-9-63, and
12 34-9-86, Code of Alabama 1975; to further provide for
13 penalties for violations; and qualifications for licensure and
14 administration of controlled substances by dentists and dental
15 hygienists.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Sections 34-9-1, 34-9-5, 34-9-10, 34-9-11,
18 34-9-15, 34-9-26, 34-9-27, 34-9-43, 34-9-60, 34-9-63, and
19 34-9-86, Code of Alabama 1975, are amended to read as follows:

20 "§34-9-1

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

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

27 (1)(2) ANNUAL REGISTRATION. The documentary evidence
28 that the board has renewed the authority of the licensee to



29 practice dentistry or dental hygiene in this state.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

108 "§34-9-5

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



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

126 "§34-9-10

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

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



141 and shall satisfy any other requirement set forth in any rule
142 adopted by the board.

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

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

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

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

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



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

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

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

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

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



197 practice.

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

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

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

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

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

222 b. ~~The dental hygiene applicant shall submit~~ Submits
223 affidavits as a dental hygienist applicant from two licensed
224 dentists or two licensed dental hygienists, or any combination



225 of two thereof, practicing in the same geographical area where
226 ~~the applicant he or she~~ is then practicing or teaching,
227 attesting to ~~the~~ his or her moral character, standing, and
228 ability ~~of the applicant~~.

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

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

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

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

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

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



253 d. Background checks for criminal or fraudulent
254 activities.

255 e. Participation in continuing education.

256 f. A current certificate in cardiopulmonary
257 resuscitation.

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

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

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

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

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

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

279 Provided, however, that any discipline that results only from
280 a failure to timely renew a registration or permit shall not



281 prevent ~~an applicant~~ him or her from being eligible for this
282 method of licensure.

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

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

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

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

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

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



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

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

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

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

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

336 ~~(f)(2)~~ A special purpose license issued by the board to



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

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



365 purpose license as authorized by this section to a dentist
366 licensed in the other state or territory. The board shall
367 determine which states or territories have reciprocal
368 licensure requirements meeting the qualifications of this
369 section.

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

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

383 "§34-9-11

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



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

402 "§34-9-15

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

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

418 (2) On or before October 1 of each year, every dentist
419 and dental hygienist licensed or permitted to practice
420 dentistry or dental hygiene in the state shall transmit either



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

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

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



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

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

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

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

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

475 "§34-9-26

476 (a) (1) No ~~person~~individual shall practice as a dental



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

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

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

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

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

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

502 (2) Has served as a dental assistant for a period of
503 time established by board rule and shall have served at least
504 one year as a dental hygienist trainee under a training permit



505 issued by the board to a qualified dentist practicing in this
506 state in accordance with the dental hygienist training program
507 established by the board.

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

511 "§34-9-27

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

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

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

532 "§34-9-43



House Health Reported Substitute for SB193

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

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

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

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

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

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

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

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

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



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

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

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

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

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



House Health Reported Substitute for SB193

589 (12) Attend meetings, seminars, workshops, or events
590 that may improve the function and efficiency of the board or
591 improve the ability of the board to enforce and administer
592 this chapter.

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

598 "§34-9-60

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

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

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

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



617 in a training program as described in Part II of the
618 guidelines for teaching the comprehensive control of pain and
619 anxiety in dentistry; or

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

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

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

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

643 b. Prior to the issuance of ~~such the~~ permit, the ~~Board~~
644 ~~of Dental Examiners~~ board, at its discretion, may require an



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

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

671 ~~(4) Each dentist who has not been using general~~
672 ~~anesthesia prior to May 29, 1985, may be granted by the board~~



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

679 "§34-9-63

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

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

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

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



701 2.b. Submit a fee.

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

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

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

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

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

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



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

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

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



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

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

766 "§34-9-86

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

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



779
780
781 Senate

782 Read for the first time and referred11-Apr-23
783 to the Senate committee on
784 Healthcare
785
786 Read for the second time and placed03-May-23
787 on the calendar:
788 0 amendments
789
790 Read for the third time and passed11-May-23
791 as amended
792 Yeas 0
793 Nays 0
794 Abstains 0
795
796
797 Patrick Harris,
798 Secretary.
799