

HB285 INTRODUCED



1 PZ5TGR-1
2 By Representative Lipscomb
3 RFD: Boards, Agencies and Commissions
4 First Read: 11-Apr-23
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SYNOPSIS:

Under existing law there is no provision allowing the Board of Dental Examiners to deny licensure or certification of an applicant to practice dentistry or dental hygiene based on the interest of public health and safety.

Under existing law there is no provision allowing the board to require payment of certain administrative fines as part of the required annual registration fees for dentists and dental hygienists.

Under existing law a dental hygienist is authorized only to work under the direct supervision of a licensed dentist.

Under existing law the provision establishing the number and qualifications of examiners conducting certain on-site inspections of dental facilities limits the number of members and their qualifications to certain general standards.

This bill would define the terms "administer" and "dispense" in reference to the use of a controlled substance in the practice of dentistry or dental hygiene.

This bill would allow the Board of Dental Examiners to deny licensure or certification of a dentist or a dental hygienist applicant based on the



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29 public interest and the promotion of public health and
30 safety.

31 This bill would allow the board to require
32 payment of certain administrative fines related to
33 disciplinary actions to be paid as part of required
34 annual registration fees for dentists and dental
35 hygienists.

36 This bill would allow a dental hygienist to work
37 under the general or direct supervision of a licensed
38 dentist.

39 This bill would provide greater specificity of
40 qualifications for examiners conducting on-site
41 inspection of facilities where anesthesia or sedation
42 would be administered by dentists and dental
43 hygienists.

44 This bill would also make certain changes to
45 reflect current terminology used in the practice of
46 dentistry and dental hygiene, clarify existing code
47 language, and make nonsubstantive, technical revisions
48 to update existing code language to current style.

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A BILL

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TO BE ENTITLED

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AN ACT

54

55 Relating to the practice of dentistry and dental
56 hygiene; to amend Sections 34-9-1, 34-9-10, 34-9-11, 34-9-15,



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57 34-9-26, 34-9-27, 34-9-43, 34-9-60, 34-9-63, and 34-9-86, Code
58 of Alabama 1975; and qualifications for licensure and
59 administration of controlled substances by dentists and dental
60 hygienists.

61 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

65 "§34-9-1

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

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

72 ~~(1)~~ (2) ANNUAL REGISTRATION. The documentary evidence
73 that the board has renewed the authority of the licensee to
74 practice dentistry or dental hygiene in this state.

75 ~~(2)~~ (3) BOARD. The Board of Dental Examiners of Alabama.

76 ~~(3)~~ (4) COMMERCIAL DENTAL LABORATORY. A technician or
77 group of technicians available to any or all licensed dentists
78 for construction or repair of dental appliances.

79 (5) DISPENSE. When used in reference to a controlled
80 substance, the delivery of a controlled substance to a patient
81 by a dentist, including the prescribing and administering of a
82 controlled substance.

83 ~~(4)~~ (6) GENERAL ANESTHESIA. A controlled state of
84 unconsciousness, accompanied by a partial or complete loss of



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85 protective reflexes, including inability to independently
86 maintain an airway and respond purposefully to physical
87 stimulation or verbal command, produced by a pharmacologic
88 method.

89 ~~(5)~~ (7) INFILTRATION ANESTHESIA. A form of local
90 anesthesia wherein the terminal or peripheral sensory portion
91 of either the maxillary or mandibular branch of the trigeminal
92 nerve endings are anesthetized by injecting a solution
93 submucosally into an intra-oral circumscribed area for the
94 relief or prevention of pain.

95 ~~(6)~~ (8) LICENSE. The grant of authority by the board to
96 a person to engage in the practice of dentistry or dental
97 hygiene.

98 ~~(7)~~ (9) LICENSE CERTIFICATE. The documentary evidence
99 under seal of the board that the board has granted authority
100 to the licensee to practice dentistry or dental hygiene in
101 this state.

102 ~~(8)~~ (10) LICENSED DENTIST. A dentist who holds a current
103 license certificate from the board.

104 ~~(9)~~ (11) LICENSED HYGIENIST. A hygienist who holds a
105 current license certificate from the board.

106 ~~(10)~~ (12) LOCAL ANESTHESIA. The elimination of
107 sensations, especially pain in one part of the body by topical
108 application or regional injection of a drug.

109 ~~(11)~~ (13) PATIENT ABANDONMENT. The termination of dental
110 treatment without giving the patient adequate notice of at
111 least 15 days before the termination of dental treatment.
112 Adequate notice includes informing the patient of the



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113 availability of emergency treatment and providing the patient
114 with an opportunity to obtain the services of another dentist
115 during the notice period. Abandonment may also occur if the
116 dentist jeopardizes the health of the patient during the
117 termination process.

118 ~~(12)~~ (14) PRACTICE OF DENTISTRY ACROSS STATE LINES.

119 a. The practice of dentistry as defined in Section
120 34-9-6 as it applies to the following:

121 1. The rendering of a written or otherwise documented
122 professional opinion concerning the diagnosis or treatment of
123 a patient located within this state by a dentist located
124 outside this state as a result of transmission of individual
125 patient data by electronic or other means from within this
126 state to the dentist or his or her agent.

127 2. The rendering of treatment to a patient located
128 within this state by a dentist located outside this state as a
129 result of transmission of individual patient data by
130 electronic or other means from this state to the dentist or
131 his or her agent.

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

136 b. This definition is not intended to include an
137 informal consultation between a licensed dentist located in
138 this state and a dentist located outside this state provided
139 that the consultation is conducted without compensation or the
140 expectation of compensation to either dentist, and does not



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141 result in the formal rendering of a written or otherwise
142 documented professional opinion concerning the diagnosis or
143 treatment of a patient by the dentist located outside the
144 state.

145 ~~(13)~~ (15) PRIVATE ~~TECHNICIANS~~ TECHNICIAN. A technician
146 employed by a dentist or group of dentists for a specified
147 salary.

148 ~~(14)~~ (16) SEDATION. A depressed level of consciousness
149 that retains the patient's ability to independently and
150 continuously maintain an airway and respond appropriately to
151 physical stimulation or verbal command, produced by a
152 pharmacologic method."

153 "§34-9-10

154 (a) (1) Every ~~person~~ individual who desires to practice
155 dentistry within the State of Alabama shall file an
156 application accompanied by the appropriate fee prescribed by
157 the board.

158 (2) Notwithstanding ~~the~~ any particular requirement or
159 method of obtaining licensure ~~or any particular requirement~~
160 set forth herein, every ~~person as a prerequisite to licensure~~
161 applicant shall be at least 19 years of age, of good moral
162 character, a citizen of the United States or, if not a citizen
163 of the United States, ~~a person~~ an individual who is legally
164 present in the United States with appropriate documentation
165 from the federal government, and a graduate of a dental school
166 or college accredited by the American Dental Association
167 Commission on Dental Accreditation and approved by the board,
168 and shall satisfy any other requirement set forth in any rule



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169 adopted by the board.

170 (3) The board may issue a license to practice dentistry
171 to any applicant who meets the licensure requirements set
172 forth in this chapter and the applicable rules of the board,
173 and may refrain from issuing a license to any applicant if the
174 board determines that doing so would be inconsistent with the
175 public interest and the promotion of public health and safety.

176 (b) Licensure by examination shall be applicable to the
177 following categories:

178 (1) ~~Those individuals~~ An applicant who ~~have~~ has never
179 been licensed or taken an examination and whose application to
180 take an examination administered or approved by the board is
181 received by the board within 18 months of graduation from
182 dental school or completion of an accredited or approved
183 post-doctoral residency program.

184 (2) ~~Those individuals~~ An applicant who ~~have~~ has
185 successfully passed an examination approved but not
186 administered by the board so long as an application for
187 licensure is received by the board within five years of the
188 date of notification of passing ~~such~~ the examination. ~~All~~
189 ~~applicants shall pay a fee which shall accompany the~~
190 ~~application.~~

191 (c) Any ~~individual~~ applicant who possesses a current
192 license in any state, who has passed an examination approved
193 by the board and who has, since graduation from dental or
194 dental hygiene school, practiced or participated in a clinical
195 residency or practiced dentistry or dental hygiene in the
196 Armed Forces or with the public health service shall be



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197 eligible for licensure if ~~an~~ his or her application is
198 received by the board within five years of the completion of
199 the subject residency or Armed Forces or public health service
200 commitment. ~~All the above applicants shall pay a fee which~~
201 ~~shall accompany the application.~~

202 (d) Licensure by credentials may be utilized to
203 evaluate the theoretical knowledge and clinical skill of a
204 dentist or dental hygienist when an applicant for licensure by
205 credentials holds a dental or dental hygiene license in
206 another state. The board may ~~promulgate~~ establish rules ~~and~~
207 ~~regulations~~ relating to licensure by credentials in addition
208 to any requirements by law. ~~An~~ The dentist or dental hygienist
209 applicant for licensure by credentials shall satisfy all of
210 the following:

211 (1) ~~The dentist or dental hygienist shall have~~ Has been
212 engaged in the active practice of clinical dentistry or
213 clinical dental hygiene or in full-time dental or dental
214 hygiene education for the five years or 5,000 hours
215 immediately preceding his or her application.

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

220 (3) ~~The board of examiners in the state of current~~
221 ~~practice shall verify or endorse that the applicant's license~~
222 ~~is~~ Is licensed in good standing without any restrictions, as
223 verified by the board of examiners in the state of current
224 practice.



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225 (4) ~~The dentist or dental hygienist shall~~ Is not ~~be~~ the
226 subject of a pending disciplinary action in any state in which
227 ~~the individual~~ he or she has been licensed ~~which shall be~~ as
228 verified by a query to the National Practitioner Data Bank,
229 the Health Integrity Protection Data Bank, the American
230 Association of Dental Boards Clearing House for Disciplinary
231 Information, or any other pertinent bank currently existing or
232 which may exist in the future.

233 (5) ~~The applicant shall provide~~ Provides a written
234 statement agreeing to be interviewed at the request of the
235 board.

236 (6) ~~The individual shall successfully pass~~ Passes a
237 written jurisprudence examination.

238 (7) ~~There shall be certification from~~ Is certified by
239 the United States Drug Enforcement Administration and from the
240 state board of any state in which ~~the applicant~~ he or she is
241 or has been licensed that the DEA registration is not the
242 subject of any pending disciplinary action or enforcement
243 proceeding of any kind.

244 (8) a. ~~The dentist applicant shall submit~~ Submits
245 affidavits as a dentist applicant from two licensed dentists
246 practicing in the same geographical area where the applicant
247 is then practicing or teaching attesting to the moral
248 character, standing, and ability of the applicant.

249 b. ~~The dental hygiene applicant shall submit~~ Submits
250 affidavits as a dental hygienist applicant from two licensed
251 dentists or two licensed dental hygienists, or any combination
252 of two thereof, practicing in the same geographical area where



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253 ~~the applicant~~ he or she is then practicing or teaching,
254 attesting to ~~the~~ his or her moral character, standing, and
255 ability ~~of the applicant~~.

256 (9) ~~The applicant shall provide~~ Provides the board with
257 an official transcript with school seal from the school of
258 dentistry or school of dental hygiene ~~which~~ that issued ~~the~~
259 ~~applicant's~~ his or her professional degree, ~~or execute~~
260 executes a request and authorization allowing the board to
261 obtain the transcript.

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

265 (11) ~~The applicant shall not be~~ Is not the subject of
266 any pending or final action from any hospital revoking,
267 suspending, limiting, modifying, or interfering with any
268 clinical or staff privileges.

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

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

- 276 a. Questioning under oath.
- 277 b. Results of peer review reports from constituent
278 dental societies or federal dental services.
- 279 c. Substance abuse testing or treatment.
- 280 d. Background checks for criminal or fraudulent



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281 activities.

282 e. Participation in continuing education.

283 f. A current certificate in cardiopulmonary
284 resuscitation.

285 g. Recent case reports or oral defense of diagnosis and
286 treatment plans.

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

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

292 j. Proof of professional liability coverage and that
293 coverage has not been refused, declined, ~~cancelled~~cancel~~ed~~,
294 nonrenewed, or modified.

295 k. Whether the applicant has been subject to any final
296 disciplinary action in any state in which ~~the individual he or~~
297 she has been licensed which shall be verified by a query in
298 the National Practitioner Data Bank, the Health Integrity
299 Protection Data Bank, the American Association of Dental
300 Boards Clearing House for Disciplinary Information, any state
301 where the applicant has been licensed, or any other pertinent
302 bank currently existing or which may exist in the future.

303 l. Whether the applicant's DEA registration or any
304 state controlled substances permit has ever been revoked,
305 suspended, modified, restricted, or limited in any way.
306 Provided, however, that any discipline that results only from
307 a failure to timely renew a registration or permit shall not
308 prevent ~~an applicant~~ him or her from being eligible for this



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309 method of licensure.

310 ~~(14)~~ (e) If all criteria and requirements are satisfied
311 and the board determines, after notice and a hearing, that the
312 ~~individual~~ applicant committed fraud or in any way falsified
313 any information in the application process, the license may be
314 revoked by the board.

315 ~~(15)~~ (f) In addition to the requirements for applicants
316 seeking licensure by credentials, an applicant desiring to
317 practice a specialty only shall satisfy the following
318 requirements:

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

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

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

327 ~~d.~~ (4) If an applicant who is initially licensed by
328 credentials for a specialty practice decides to renounce his
329 or her specialty and practice general dentistry, and the
330 license originally issued did not require a general dental
331 license but rather a specialty license, or if the applicant
332 originally passed only a specialty examination, the applicant
333 may not practice general dentistry until he or she
334 successfully passes the board's regular general dentistry
335 examination. However, if the applicant ~~has~~ passed a general
336 dentistry examination or ~~has~~ holds a general dentistry



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337 license, ~~was practicing~~ practices a specialty, ~~and then~~
338 decides not to continue that specialty ~~and~~ but to practice
339 only general dentistry, the applicant is eligible for
340 licensure by credentials as a general dentist.

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

345 ~~(1)a. The applicant holds~~ Has a full and unrestricted
346 license to practice dentistry in any state of the United
347 States or in territories, other than the State of Alabama, in
348 which the ~~individual applicant~~ is licensed.

349 ~~(2)b. The applicant has~~ Has not had any disciplinary
350 action or other action taken against him or her by any state
351 or licensing jurisdiction. If there has been previous
352 disciplinary or other action taken against the applicant, the
353 board may issue a certificate of qualification if it finds
354 that the previous disciplinary or other action indicates that
355 the dentist is not a potential threat to the public.

356 ~~(3)c. The applicant submits~~ Submits an application and
357 an application fee for a certificate of qualification for a
358 special purpose license to practice dentistry across state
359 lines on a form provided by the board, ~~remits an application~~
360 ~~fee in an amount established by the board,~~ and pays a fee upon
361 certification. All required fees shall be established by the
362 board.

363 ~~(f)~~ (2) A special purpose license issued by the board to
364 practice dentistry across state lines limits the licensee



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365 solely to the practice of dentistry across state lines. The
366 special purpose license shall be valid for a period of up to
367 three years, shall expire on a renewal date determined by the
368 board, and may be renewed upon receipt of a renewal fee as
369 established by the board. Failure to renew a license according
370 to the renewal schedule established by the board shall cause
371 the special purpose license to be inactive. An applicant may
372 reapply for a special purpose license to practice dentistry
373 across state lines following placement of the license on
374 inactive status. The applicant shall meet the qualifications
375 of subsection (e) in order to be eligible for renewal of the
376 license.

377 ~~(g)~~ (3) Notwithstanding the provisions of this section,
378 the board shall only issue a special purpose license to
379 practice dentistry across state lines to an applicant whose
380 principal practice location and license to practice are
381 located in a state or territory of the United States whose
382 laws permit or allow for the issuance of a special purpose
383 license to practice dentistry across state lines or similar
384 license to a dentist whose principal practice location and
385 license are located in another state. It is the stated intent
386 of this section that dentists who hold a full and current
387 license authorizing him or her to practice in the State of
388 Alabama shall be afforded the opportunity to obtain, ~~on a~~
389 ~~reciprocal basis,~~ a reciprocal license to practice dentistry
390 across state lines in any other state or territory of the
391 United States as a precondition to the issuance of a special
392 purpose license as authorized by this section to a dentist



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393 licensed in the other state or territory. The board shall
394 determine which states or territories have reciprocal
395 licensure requirements meeting the qualifications of this
396 section.

397 (h) Any ~~individual~~ applicant who does not qualify for
398 licensure pursuant to any of the above subsections but who has
399 passed an out-of-state examination approved by the board and
400 possesses a ~~current~~ license in good standing authorizing the
401 applicant to practice in the state of issuance ~~another state~~
402 is eligible to apply for licensure upon payment of a fee
403 established by the board. The board shall have discretion
404 whether to require an examination for ~~any such individual~~ the
405 applicant, including the time, place, type, and content of ~~any~~
406 ~~such~~ the examination.

407 ~~(i) A current license shall mean one in good standing~~
408 ~~authorizing the individual to practice in the state of~~
409 ~~issuance."~~

410 "§34-9-11

411 When an application and accompanying proof as ~~are~~
412 required ~~herein~~ under this chapter are found satisfactory, the
413 ~~board~~ Board shall notify the applicant to appear for
414 examination at a time and place to be fixed by the board, and
415 each applicant shall be examined and graded by number in lieu
416 of name. All examinations provided for in this chapter shall
417 be approved by the board and shall be of ~~such~~ the type and
418 character as to test the qualifications of the applicant to
419 practice dentistry. ~~It is provided~~ Provided, however, ~~that~~ the
420 board may recognize any written parts of an examination given



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421 by the Joint Commission on National Dental Examinations in
422 lieu of ~~such or~~ subject to the board examinations ~~or subject~~
423 ~~to such examinations~~ as the board may approve. Those found
424 qualified by the board, consistent with Section 34-9-10(a),
425 shall be granted a license and a license certificate which
426 shall bear a serial number, the full name of the licensee, the
427 date of issuance, and the seal of the board, and shall be
428 signed by each member of the board."

429 "§34-9-15

430 (a) No ~~person~~ individual shall practice dentistry or
431 dental hygiene in the State of Alabama unless licensed or
432 permitted by the board and registered annually as required by
433 this chapter.

434 (b) (1) The secretary-treasurer of the board shall issue
435 to each licensee an initial registration form which shall
436 contain space for the insertion of name, address, date, and
437 number of license certificate, and other information as the
438 board shall deem necessary. The licensee shall sign and verify
439 the accuracy of the registration before a notary public after
440 which he or she shall forward the registration to the
441 secretary-treasurer of the board together with a fee. Each
442 subsequent registration shall be made in electronic format or
443 by United States mail upon a form to be determined by the
444 board.

445 (2) On or before October 1 of each year, every dentist
446 and dental hygienist licensed or permitted to practice
447 dentistry or dental hygiene in the state shall transmit either
448 online or by United States mail to the secretary-treasurer of



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449 the board the completed form prescribed by the board, together
450 with a fee established by the board pursuant to this chapter,
451 and receive thereafter the current annual registration
452 certificate authorizing him or her to continue the practice of
453 dentistry or dental hygiene in the state for a period of one
454 year. Notwithstanding Section 34-9-16, the total amount of any
455 administrative fines and costs assessed upon the licensee
456 pursuant to Section 34-9-18 in a final and non-appealable
457 order or agreement shall be added to and made a part of the
458 fee.

459 (c) (1) Any license or permit previously granted under
460 the authority of this chapter or any prior dental practice act
461 shall automatically be suspended if the holder thereof fails
462 to secure the annual registration certificate before January
463 1, each year. Any dentist or dental hygienist whose license or
464 permit is automatically suspended by reason of failure,
465 neglect, or refusal to secure the annual registration
466 certificate shall be reinstated by the board upon payment of
467 the penalty fee plus all accrued annual registration fees up
468 to a maximum of five years, accompanied with the prescribed
469 form for annual registration of the license or permit.

470 (2) Upon failure of any licensee or permittee to file
471 application for the annual registration certificate and pay
472 the annual registration fee on or before November 30, each
473 year, the board shall notify the licensee or permittee by mail
474 addressed to the last address of record that the application
475 and fee have not been received and that, unless the
476 application and fee are received on or before the first day of



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477 January, the license or permit shall be automatically
478 suspended. The board shall notify the licensee or permittee by
479 mail addressed to the last address of record of the effective
480 date of the automatic suspension and the provisions for
481 registration of the license or permit.

482 (d) (1) The board shall waive the annual payment of fees
483 herein provided for and issue a current annual registration
484 certificate to any licensee or permittee who, ~~because of age~~
485 ~~or physical disability,~~ has retired from the practice of
486 dentistry or dental hygiene because of age or physical
487 disability ~~or who is suffering a malady of a lingering or~~
488 ~~permanent nature.~~

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

492 (3) The ~~waiver-waivers~~ of fees ~~herein~~ provided in this
493 subsection shall be effective so long as the retirement
494 because of age or physical disability or temporary active duty
495 continues.

496 ~~(b) (e)~~ The board shall adopt ~~and promulgate~~ rules and
497 regulations for the adoption of a program of continuing
498 education for its licensees ~~by October 1, 1991. After that~~
499 ~~date, the~~ The successful completion of continuing education
500 program requirements shall be a requisite for renewal of
501 licenses and permits issued pursuant to this chapter."

502 "§34-9-26

503 (a) (1) No ~~person-individual~~ shall practice as a dental
504 hygienist in this state until ~~such person has passed an~~



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505 ~~examination given by the board or approved by the board, or~~
506 ~~both, under rules and regulations as the board may promulgate~~
507 ~~and the payment of a fee~~ he or she is duly licensed and
508 currently registered as a dental hygienist pursuant to this
509 chapter.

510 (b) The board ~~shall~~ may issue licenses and license
511 certificates to practice as dental hygienists to ~~these~~
512 ~~persons~~ applicants who have passed the examination and have
513 been found qualified by the board. Alternatively, the board
514 may deny licenses or license certificates in instances where
515 it determines that doing so would be inconsistent with the
516 public interest and the promotion of public health and safety.

517 (c) The license certificate and annual registration
518 certificate shall be displayed in the office in which the
519 dental hygienist is employed.

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

523 (e) Each applicant for examination and license as a
524 dental hygienist shall meet either of the following
525 requirements:

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

529 (2) Has served as a dental assistant for a period of
530 time established by board rule and shall have served at least
531 one year as a dental hygienist trainee under a training permit
532 issued by the board to a qualified dentist practicing in this



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533 state in accordance with the dental hygienist training program
534 established by the board.

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

538 "§34-9-27

539 (a) A dental hygienist ~~Dental hygienists~~ shall work
540 only under the direct or general supervision of a duly
541 licensed dentist practicing in this state, as prescribed by
542 the board pursuant to its rules. ~~Dental hygienists~~ A dental
543 hygienist may perform any duties allowed by rule ~~or regulation~~
544 of the board and assist a licensed or permitted dentist in his
545 or her practice.

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

552 (c) The board may impose any of the penalties outlined
553 in Section 34-9-18 against any dentist who shall permit any
554 dental hygienist working under his or her supervision to
555 perform any operation other than those permitted under this
556 section, and may impose the penalties outlined in Section
557 34-9-18 against any dental hygienist who ~~shall perform~~
558 performs any operation other than those permitted under this
559 section."

560 "§34-9-43



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

563 (1) Adopt rules for its government as deemed necessary
564 and proper.

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

567 (3) Conduct or participate in examinations to ascertain
568 the qualification and fitness of applicants for licenses as
569 dentists and dental hygienists.

570 (4) ~~Make~~ Adopt rules ~~and regulations~~ regarding
571 sanitation.

572 (5) ~~Formulate~~ Adopt rules ~~and regulations~~ by which
573 dental schools and colleges are approved, and ~~formulate~~ adopt
574 rules ~~and regulations~~ by which training, educational,
575 technical, vocational, or any other institution ~~which~~ that
576 provides instruction for dental assistants, dental laboratory
577 technicians, or any other parodontal personnel are approved.

578 (6) Grant or deny licenses, ~~issue~~ license certificates,
579 teaching permits, and annual registration certificates in
580 conformity with this chapter ~~to such qualified dentists and~~
581 ~~dental hygienists~~.

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

584 (8)a. Employ necessary ~~persons~~ individuals to assist in
585 performing its duties in the administration and enforcement of
586 this chapter, and to provide offices, furniture, fixtures,
587 supplies, printing, or secretarial service ~~to these persons~~
588 and expend necessary funds.



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589 b. Employ an attorney or attorneys, subject to the
590 approval of the Attorney General, to advise and assist in the
591 carrying out and enforcing of the provisions of this chapter.
592 Provided, however, that if the board contracts with an outside
593 attorney to be general counsel to the board, that attorney or
594 any member of a law firm with which he or she is associated
595 shall not function as the board's prosecutor at disciplinary
596 hearings.

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

600 b. Authorize and employ investigators who comply with
601 the Alabama Peace Officers' ~~Minimum~~ Standards and Training Act
602 to exercise the powers of a peace officer in investigating
603 alleged violations of the drug or controlled substances laws
604 by ~~persons~~ individuals licensed pursuant to this chapter,
605 including the powers of arrest and inspection of documents.

606 (10) Adopt rules ~~and regulations~~ to implement this
607 chapter.

608 (11) Publish, on a quarterly basis, all minutes, except
609 minutes of executive sessions, financial reports, schedules of
610 meetings, including anticipated executive sessions, and other
611 pertinent information on the board's website no later than 90
612 days following the date of occurrence. In addition, publish or
613 post annually the rules ~~and regulations promulgated~~ adopted by
614 the board, a copy of the Dental Practice Act, and a list of
615 all ~~persons~~ individuals licensed to practice under this
616 chapter.



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617 (12) Attend meetings, seminars, workshops, or events
618 that may improve the function and efficiency of the board or
619 improve the ability of the board to enforce and administer
620 this chapter.

621 (b) The board, in exercising its powers and duties,
622 shall adhere to guidelines and proceedings of the State Ethics
623 Commission as provided in Chapter 25 of Title 36. The board
624 may adopt rules for the purpose of establishing additional
625 ethical guidelines."

626 "§34-9-60

627 Any ~~person~~ individual licensed or permitted to practice
628 dentistry in the State of Alabama shall be authorized to use
629 anesthesia in accordance with ~~the provisions of this~~
630 section. all of the following:

631 (1) All dentists are authorized to use local
632 anesthesia.

633 (2) Twelve months after May 29, 1985, no dentist shall
634 use general anesthesia on an outpatient basis for dental
635 patients, unless such dentist possesses a permit of
636 authorization issued by the ~~Board of Dental Examiners~~ board.

637 a. In order to receive ~~such~~ the permit, the dentist
638 must apply on a prescribed application form to the ~~Board of~~
639 ~~Dental Examiners~~ board, submit an application fee, and produce
640 evidence showing that he or she meets all of the following
641 requirements:

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



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645 in a training program as described in Part II of the
646 guidelines for teaching the comprehensive control of pain and
647 anxiety in dentistry; or

648 2. Is a diplomate of the American Board of Oral and
649 Maxillofacial Surgery, or is eligible for examination by the
650 American Board of Oral and Maxillofacial Surgery, or is a
651 member of the American Association of Oral and Maxillofacial
652 Surgeons; or

653 3. Employs or works in conjunction with a ~~qualified~~
654 ~~medical doctor~~ licensed physician who is a member of the
655 anesthesiology staff in an accredited hospital, provided that
656 such anesthesiologist must remain on the premises of the
657 dental facility until any patient given a general anesthetic
658 regains consciousness and is discharged; and

659 4. Has a properly equipped facility for the
660 administration of general anesthesia staffed with a supervised
661 team of auxiliary personnel capable of reasonably assisting
662 the dentist with procedures, problems, and emergencies
663 incident thereto. Adequacy of the facility and competence of
664 the anesthesia team shall be determined by the ~~Board of Dental~~
665 ~~Examiners~~ board as outlined ~~below~~ in paragraph b.

666 5. ~~Possesses current~~ Has successfully completed
667 training in Advanced ~~Cardiac~~ Cardiovascular Life Support
668 (ACLS), and ~~basic life support certification~~ his or her
669 auxiliary personnel have successfully completed training in
670 Basic Life Support (BLS).

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



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673 on-site inspection of the facility, equipment, and personnel
674 to determine if, in fact, the ~~aforementioned~~ requirements in
675 paragraph a. have been met. This evaluation shall be carried
676 out in a manner prescribed by the board. The evaluation shall
677 be conducted by a team of three examiners appointed by the
678 ~~Board of Dental Examiners~~board. These examiners shall be
679 dentists who are authorized to administer general anesthesia.
680 If the results of the initial evaluation are deemed
681 unsatisfactory, the applicant may reapply for a permit subject
682 to the correction of the deficiencies outlined in the original
683 evaluation.

684 (3) Each dentist who is licensed to practice dentistry
685 in the state on May 29, 1985, who desires to continue to use
686 general anesthesia shall make application on the prescribed
687 form to the ~~Board of Dental Examiners~~board within 12 months
688 of May 29, 1985. If he or she meets the requirements of this
689 section, he or she shall be issued such a permit. If the
690 applicant does not meet the requirements of paragraph ~~a. of~~
691 ~~subdivision (2) a. of this section~~, he or she may be entitled
692 to a "general anesthesia permit" provided ~~said the~~the applicant
693 passes to the satisfaction of the board an on-site inspection
694 as provided for in paragraph ~~b. of subdivision (2) of this~~
695 ~~section (2) b.~~

696 ~~(4) Each dentist who has not been using general~~
697 ~~anesthesia prior to May 29, 1985, may be granted by the board~~
698 ~~a temporary provisional permit based on the applicant's~~
699 ~~producing evidence that he or she has complied with paragraph~~
700 ~~a. of subdivision (2) of this section above pending complete~~



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701 ~~processing of the application and thorough investigation of an~~
702 ~~on-site evaluation as described in paragraph b. of subdivision~~
703 ~~(2) of this section."~~

704 "§34-9-63

705 (a) The issuance of a permit for general anesthesia
706 shall include the privilege of administering parenteral
707 sedation in accordance with this section. The issuance of a
708 permit for parenteral sedation shall include the privilege of
709 administering intravenous sedation. All current intravenous
710 sedation permit holders are entitled to a parenteral sedation
711 permit subject to the renewal ~~and regulatory provisions~~
712 ~~afforded to the Board of Dental Examiners by~~ requirements and
713 board rules adopted by the board pursuant to this chapter. The
714 term "parenteral sedation" shall not include the use or
715 regulation of nitrous oxide.

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

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

724 ~~1.~~ a. Apply on a prescribed application form to the
725 board.

726 ~~2.~~ b. Submit a fee.

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



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729 ~~(i)~~1. Received formal training in the use of parenteral
730 sedation from a board approved training program, is competent
731 to handle all emergencies relating to parenteral sedation, and
732 is currently certified in cardiopulmonary resuscitation. The
733 certification of the formal training shall specify the total
734 number of hours, the number of didactic hours, and the number
735 of patient contact hours. The required number of didactic
736 hours and patient contact hours shall be determined by the
737 board.

738 ~~(ii)~~2. Equipped a proper facility for the
739 administration of parenteral sedation, staffed with a
740 supervised team of auxiliary personnel capable of reasonably
741 assisting the dentist with procedures, problems, and
742 emergencies incident to the sedation procedure.

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

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

750 ~~(2)~~(c) (1) Each dentist who is licensed to practice
751 dentistry in the state and who desires to continue to use
752 parenteral sedation shall make application to the board on the
753 prescribed form ~~to the board~~. If he or she meets the
754 requirements of this section, or currently holds a valid
755 intravenous sedation permit, he or she shall be issued such a
756 permit subject to all renewal and regulatory requirements of



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757 Section 34-9-64. If the applicant does not meet the
758 requirements of ~~paragraph a. of subdivision (1) of this~~
759 ~~section~~subdivision (b) (2), or does not currently hold a valid
760 intravenous sedation permit, he or she may be entitled to a
761 "parenteral sedation permit" if the applicant passes, ~~to the~~
762 ~~satisfaction of the board,~~ an on-site inspection to the
763 board's satisfaction. The inspection shall ascertain ~~that~~
764 whether the dentist has a properly equipped facility for the
765 administration of parenteral sedation, staffed with a
766 supervised team of auxiliary personnel capable of reasonably
767 assisting the dentist with incidental procedures, problems,
768 and emergencies.

769 ~~The board, in (2)~~ In conducting the on-site inspection
770 and evaluations required in this ~~section~~subsection, the board
771 shall appoint a team of ~~up to three~~ examiners who shall be
772 ~~dentists certified to administer parenteral sedation in~~
773 ~~accordance with this article.~~ The team of examiners shall
774 consist of at least one licensed dentist who holds a
775 parenteral sedation permit and at least two other persons as
776 prescribed by the board pursuant to its rules.

777 ~~(3) A dentist utilizing parenteral sedation and the~~
778 ~~auxiliary personnel of the dentist shall be currently~~
779 ~~certified in cardiopulmonary resuscitation and the dentist~~
780 ~~shall be trained in advanced cardiac life support~~ (d) A dentist
781 utilizing parenteral sedation shall have successfully
782 completed training in Advanced Cardiovascular Life Support
783 (ACLS), and his or her auxiliary personnel shall have
784 successfully completed training in Basic Life Support (BLS).



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

791 "§34-9-86

792 ~~The board, prior~~ Prior to issuance of a permit for oral
793 conscious sedation, the board may require an on-site
794 inspection of the personnel, the facility, and the equipment
795 to determine if the requirements of this article have been
796 met. ~~The inspection team shall be determined by the board and~~
797 ~~shall reflect the principles of peer review~~ The on-site
798 inspection shall be conducted by an investigator employed by
799 the board pursuant to Section 34-9-3 or by such other
800 individuals as prescribed by the board pursuant to its rules."

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