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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 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 public interest and the promotion of public health and safety.

This bill would allow the board to require



29 payment of certain administrative fines related to
30 disciplinary actions to be paid as part of required
31 annual registration fees for dentists and dental
32 hygienists.

33 This bill would provide greater specificity of
34 qualifications for examiners conducting on-site
35 inspection of facilities where anesthesia or sedation
36 would be administered by dentists and dental
37 hygienists.

38 This bill would also make certain changes to
39 reflect current terminology used in the practice of
40 dentistry and dental hygiene, clarify existing code
41 language, and make nonsubstantive, technical revisions
42 to update existing code language to current style.

43

44

45

A BILL

46

TO BE ENTITLED

47

AN ACT

48

49 Relating to the practice of dentistry and dental
50 hygiene; to amend Sections 34-9-1, 34-9-10, 34-9-11, 34-9-15,
51 34-9-26, 34-9-27, 34-9-43, 34-9-60, 34-9-63, and 34-9-86, Code
52 of Alabama 1975; and qualifications for licensure and
53 administration of controlled substances by dentists and dental
54 hygienists.

55

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

56

Section 1. Sections 34-9-1, 34-9-10, 34-9-11, 34-9-15,



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, are amended to read as follows:

59 "§34-9-1

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

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

66 ~~(1)~~ (2) ANNUAL REGISTRATION. The documentary evidence
67 that the board has renewed the authority of the licensee to
68 practice dentistry or dental hygiene in this state.

69 ~~(2)~~ (3) BOARD. The Board of Dental Examiners of Alabama.

70 ~~(3)~~ (4) COMMERCIAL DENTAL LABORATORY. A technician or
71 group of technicians available to any or all licensed dentists
72 for construction or repair of dental appliances.

73 (5) DISPENSE. When used in reference to a controlled
74 substance, the delivery of a controlled substance to a patient
75 by a dentist, including the prescribing and administering of a
76 controlled substance.

77 ~~(4)~~ (6) GENERAL ANESTHESIA. A controlled state of
78 unconsciousness, accompanied by a partial or complete loss of
79 protective reflexes, including inability to independently
80 maintain an airway and respond purposefully to physical
81 stimulation or verbal command, produced by a pharmacologic
82 method.

83 ~~(5)~~ (7) INFILTRATION ANESTHESIA. A form of local
84 anesthesia wherein the terminal or peripheral sensory portion



85 of either the maxillary or mandibular branch of the trigeminal
86 nerve endings are anesthetized by injecting a solution
87 submucosally into an intra-oral circumscribed area for the
88 relief or prevention of pain.

89 ~~(6)~~ (8) LICENSE. The grant of authority by the board to
90 a person to engage in the practice of dentistry or dental
91 hygiene.

92 ~~(7)~~ (9) LICENSE CERTIFICATE. The documentary evidence
93 under seal of the board that the board has granted authority
94 to the licensee to practice dentistry or dental hygiene in
95 this state.

96 ~~(8)~~ (10) LICENSED DENTIST. A dentist who holds a current
97 license certificate from the board.

98 ~~(9)~~ (11) LICENSED HYGIENIST. A hygienist who holds a
99 current license certificate from the board.

100 ~~(10)~~ (12) LOCAL ANESTHESIA. The elimination of
101 sensations, especially pain in one part of the body by topical
102 application or regional injection of a drug.

103 ~~(11)~~ (13) PATIENT ABANDONMENT. The termination of dental
104 treatment without giving the patient adequate notice of at
105 least 15 days before the termination of dental treatment.
106 Adequate notice includes informing the patient of the
107 availability of emergency treatment and providing the patient
108 with an opportunity to obtain the services of another dentist
109 during the notice period. Abandonment may also occur if the
110 dentist jeopardizes the health of the patient during the
111 termination process.

112 ~~(12)~~ (14) PRACTICE OF DENTISTRY ACROSS STATE LINES.



113 a. The practice of dentistry as defined in Section
114 34-9-6 as it applies to the following:

115 1. The rendering of a written or otherwise documented
116 professional opinion concerning the diagnosis or treatment of
117 a patient located within this state by a dentist located
118 outside this state as a result of transmission of individual
119 patient data by electronic or other means from within this
120 state to the dentist or his or her agent.

121 2. The rendering of treatment to a patient located
122 within this state by a dentist located outside this state as a
123 result of transmission of individual patient data by
124 electronic or other means from this state to the dentist or
125 his or her agent.

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

130 b. This definition is not intended to include an
131 informal consultation between a licensed dentist located in
132 this state and a dentist located outside this state provided
133 that the consultation is conducted without compensation or the
134 expectation of compensation to either dentist, and does not
135 result in the formal rendering of a written or otherwise
136 documented professional opinion concerning the diagnosis or
137 treatment of a patient by the dentist located outside the
138 state.

139 ~~(13)~~ (15) PRIVATE ~~TECHNICIANS~~ TECHNICIAN. A technician
140 employed by a dentist or group of dentists for a specified



141 salary.

142 ~~(14)~~ (16) SEDATION. A depressed level of consciousness
143 that retains the patient's ability to independently and
144 continuously maintain an airway and respond appropriately to
145 physical stimulation or verbal command, produced by a
146 pharmacologic method."

147 "§34-9-10

148 (a) (1) Every ~~person~~ individual who desires to practice
149 dentistry within the State of Alabama shall file an
150 application accompanied by the appropriate fee prescribed by
151 the board.

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

164 (3) The board may issue a license to practice dentistry
165 to any applicant who meets the licensure requirements set
166 forth in this chapter and the applicable rules of the board,
167 and may refrain from issuing a license to any applicant if the
168 board determines that doing so would be inconsistent with the



169 public interest and the promotion of public health and safety.

170 (b) Licensure by examination shall be applicable to the
171 following categories:

172 (1) ~~Those individuals~~ An applicant who ~~have~~ has never
173 been licensed or taken an examination and whose application to
174 take an examination administered or approved by the board is
175 received by the board within 18 months of graduation from
176 dental school or completion of an accredited or approved
177 post-doctoral residency program.

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

185 (c) Any ~~individual~~ applicant who possesses a current
186 license in any state, who has passed an examination approved
187 by the board and who has, since graduation from dental or
188 dental hygiene school, practiced or participated in a clinical
189 residency or practiced dentistry or dental hygiene in the
190 Armed Forces or with the public health service shall be
191 eligible for licensure if ~~an~~ his or her application is
192 received by the board within five years of the completion of
193 the subject residency or Armed Forces or public health service
194 commitment. ~~All the above applicants shall pay a fee which~~
195 ~~shall accompany the application.~~

196 (d) Licensure by credentials may be utilized to



197 evaluate the theoretical knowledge and clinical skill of a
198 dentist or dental hygienist when an applicant for licensure by
199 credentials holds a dental or dental hygiene license in
200 another state. The board may ~~promulgate~~ establish rules ~~and~~
201 ~~regulations~~ relating to licensure by credentials in addition
202 to any requirements by law. ~~An~~ The dentist or dental hygienist
203 applicant for licensure by credentials shall satisfy all of
204 the following:

205 (1) ~~The dentist or dental hygienist shall have~~ Has been
206 engaged in the active practice of clinical dentistry or
207 clinical dental hygiene or in full-time dental or dental
208 hygiene education for the five years or 5,000 hours
209 immediately preceding his or her application.

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

214 (3) ~~The board of examiners in the state of current~~
215 ~~practice shall verify or endorse that the applicant's license~~
216 ~~is~~ Is licensed in good standing without any restrictions, as
217 verified by the board of examiners in the state of current
218 practice.

219 (4) ~~The dentist or dental hygienist shall~~ Is not ~~be~~ the
220 subject of a pending disciplinary action in any state in which
221 ~~the individual~~ he or she has been licensed ~~which shall be~~ as
222 verified by a query to the National Practitioner Data Bank,
223 the Health Integrity Protection Data Bank, the American
224 Association of Dental Boards Clearing House for Disciplinary



225 Information, or any other pertinent bank currently existing or
226 which may exist in the future.

227 (5) ~~The applicant shall provide~~ Provides a written
228 statement agreeing to be interviewed at the request of the
229 board.

230 (6) ~~The individual shall successfully pass~~ Passes a
231 written jurisprudence examination.

232 (7) ~~There shall be certification from~~ Is certified by
233 the United States Drug Enforcement Administration and from the
234 state board of any state in which ~~the applicant~~ he or she is
235 or has been licensed that the DEA registration is not the
236 subject of any pending disciplinary action or enforcement
237 proceeding of any kind.

238 (8) a. ~~The dentist applicant shall submit~~ Submits
239 affidavits as a dentist applicant from two licensed dentists
240 practicing in the same geographical area where the applicant
241 is then practicing or teaching attesting to the moral
242 character, standing, and ability of the applicant.

243 b. ~~The dental hygiene applicant shall submit~~ Submits
244 affidavits as a dental hygienist applicant from two licensed
245 dentists or two licensed dental hygienists, or any combination
246 of two thereof, practicing in the same geographical area where
247 ~~the applicant~~ he or she is then practicing or teaching,
248 attesting to ~~the~~ his or her moral character, standing, and
249 ability ~~of the applicant~~.

250 (9) ~~The applicant shall provide~~ Provides the board with
251 an official transcript with school seal from the school of
252 dentistry or school of dental hygiene ~~which~~ that issued ~~the~~



253 ~~applicant's~~ his or her professional degree, or ~~execute~~
254 executes a request and authorization allowing the board to
255 obtain the transcript.

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

259 (11) ~~The applicant shall not be~~ Is not the subject of
260 any pending or final action from any hospital revoking,
261 suspending, limiting, modifying, or interfering with any
262 clinical or staff privileges.

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

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

270 a. Questioning under oath.

271 b. Results of peer review reports from constituent
272 dental societies or federal dental services.

273 c. Substance abuse testing or treatment.

274 d. Background checks for criminal or fraudulent
275 activities.

276 e. Participation in continuing education.

277 f. A current certificate in cardiopulmonary
278 resuscitation.

279 g. Recent case reports or oral defense of diagnosis and
280 treatment plans.



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

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

286 j. Proof of professional liability coverage and that
287 coverage has not been refused, declined, ~~cancelled~~canceled,
288 nonrenewed, or modified.

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

297 l. Whether the applicant's DEA registration or any
298 state controlled substances permit has ever been revoked,
299 suspended, modified, restricted, or limited in any way.
300 Provided, however, that any discipline that results only from
301 a failure to timely renew a registration or permit shall not
302 prevent ~~an applicant~~ him or her from being eligible for this
303 method of licensure.

304 ~~(14)~~ (e) If all criteria and requirements are satisfied
305 and the board determines, after notice and a hearing, that the
306 ~~individual~~ applicant committed fraud or in any way falsified
307 any information in the application process, the license may be
308 revoked by the board.



309 ~~(15)~~ (f) In addition to the requirements for applicants
310 seeking licensure by credentials, an applicant desiring to
311 practice a specialty only shall satisfy the following
312 requirements:

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

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

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

321 ~~d.~~ (4) If an applicant who is initially licensed by
322 credentials for a specialty practice decides to renounce his
323 or her specialty and practice general dentistry, ~~and~~ the
324 license originally issued did not require a general dental
325 license but rather a specialty license, or if the applicant
326 originally passed only a specialty examination, the applicant
327 may not practice general dentistry until he or she
328 successfully passes the board's regular general dentistry
329 examination. However, if the applicant ~~has~~ passed a general
330 dentistry examination or ~~has~~ holds a general dentistry
331 license, ~~was practicing~~ practices a specialty, ~~and then~~
332 decides not to continue that specialty ~~and~~ but to practice
333 only general dentistry, the applicant is eligible for
334 licensure by credentials as a general dentist.

335 ~~(e)~~ (g) (1) Notwithstanding ~~the provisions of~~ subsection
336 (a), the board shall issue a special purpose license to



337 practice dentistry across state lines to an applicant who has
338 met the following requirements:

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

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

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

357 ~~(f)~~ (2) A special purpose license issued by the board to
358 practice dentistry across state lines limits the licensee
359 solely to the practice of dentistry across state lines. The
360 special purpose license shall be valid for a period of up to
361 three years, shall expire on a renewal date determined by the
362 board, and may be renewed upon receipt of a renewal fee as
363 established by the board. Failure to renew a license according
364 to the renewal schedule established by the board shall cause



365 the special purpose license to be inactive. An applicant may
366 reapply for a special purpose license to practice dentistry
367 across state lines following placement of the license on
368 inactive status. The applicant shall meet the qualifications
369 of subsection (e) in order to be eligible for renewal of the
370 license.

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

391 (h) Any ~~individual~~ applicant who does not qualify for
392 licensure pursuant to any of the above subsections but who has



393 passed an out-of-state examination approved by the board and
394 possesses a ~~current~~ license in good standing authorizing the
395 applicant to practice in the state of issuance ~~another state~~
396 is eligible to apply for licensure upon payment of a fee
397 established by the board. The board shall have discretion
398 whether to require an examination for ~~any such individual~~ the
399 applicant, including the time, place, type, and content of ~~any~~
400 ~~such~~ the examination.

401 ~~(i) A current license shall mean one in good standing~~
402 ~~authorizing the individual to practice in the state of~~
403 ~~issuance."~~

404 "§34-9-11

405 When an application and accompanying proof as ~~are~~
406 required ~~herein~~ under this chapter are found satisfactory, the
407 ~~board~~ Board shall notify the applicant to appear for
408 examination at a time and place to be fixed by the board, and
409 each applicant shall be examined and graded by number in lieu
410 of name. All examinations provided for in this chapter shall
411 be approved by the board and shall be of ~~such~~ the type and
412 character as to test the qualifications of the applicant to
413 practice dentistry. ~~It is provided~~ Provided, however, ~~that~~ the
414 board may recognize any written parts of an examination given
415 by the Joint Commission on National Dental Examinations in
416 lieu of ~~such~~ or subject to the board examinations ~~or subject~~
417 ~~to such examinations~~ as the board may approve. Those found
418 qualified by the board, consistent with Section 34-9-10(a),
419 shall be granted a license and a license certificate which
420 shall bear a serial number, the full name of the licensee, the



421 date of issuance, and the seal of the board, and shall be
422 signed by each member of the board."

423 "§34-9-15

424 (a) No ~~person~~individual shall practice dentistry or
425 dental hygiene in the State of Alabama unless licensed or
426 permitted by the board and registered annually as required by
427 this chapter.

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

439 (2) On or before October 1 of each year, every dentist
440 and dental hygienist licensed or permitted to practice
441 dentistry or dental hygiene in the state shall transmit either
442 online or by United States mail to the secretary-treasurer of
443 the board the completed form prescribed by the board, together
444 with a fee established by the board pursuant to this chapter,
445 and receive thereafter the current annual registration
446 certificate authorizing him or her to continue the practice of
447 dentistry or dental hygiene in the state for a period of one
448 year. Notwithstanding Section 34-9-16, the total amount of any



449 administrative fines and costs assessed upon the licensee
450 pursuant to Section 34-9-18 in a final and non-appealable
451 order or agreement shall be added to and made a part of the
452 fee.

453 (c) (1) Any license or permit previously granted under
454 the authority of this chapter or any prior dental practice act
455 shall automatically be suspended if the holder thereof fails
456 to secure the annual registration certificate before January
457 1, each year. Any dentist or dental hygienist whose license or
458 permit is automatically suspended by reason of failure,
459 neglect, or refusal to secure the annual registration
460 certificate shall be reinstated by the board upon payment of
461 the penalty fee plus all accrued annual registration fees up
462 to a maximum of five years, accompanied with the prescribed
463 form for annual registration of the license or permit.

464 (2) Upon failure of any licensee or permittee to file
465 application for the annual registration certificate and pay
466 the annual registration fee on or before November 30, each
467 year, the board shall notify the licensee or permittee by mail
468 addressed to the last address of record that the application
469 and fee have not been received and that, unless the
470 application and fee are received on or before the first day of
471 January, the license or permit shall be automatically
472 suspended. The board shall notify the licensee or permittee by
473 mail addressed to the last address of record of the effective
474 date of the automatic suspension and the provisions for
475 registration of the license or permit.

476 (d) (1) The board shall waive the annual payment of fees



477 herein provided for and issue a current annual registration
478 certificate to any licensee or permittee who, ~~because of age~~
479 ~~or physical disability,~~ has retired from the practice of
480 dentistry or dental hygiene because of age or physical
481 disability ~~or who is suffering a malady of a lingering or~~
482 ~~permanent nature.~~

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

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

490 ~~(b)~~ (e) The board shall adopt ~~and promulgate~~ rules and
491 regulations for the adoption of a program of continuing
492 education for its licensees ~~by October 1, 1991. After that~~
493 ~~date, the~~ The successful completion of continuing education
494 program requirements shall be a requisite for renewal of
495 licenses and permits issued pursuant to this chapter."

496 "§34-9-26

497 (a) (1) No ~~person~~ individual shall practice as a dental
498 hygienist in this state until ~~such person has passed an~~
499 ~~examination given by the board or approved by the board, or~~
500 ~~both, under rules and regulations as the board may promulgate~~
501 ~~and the payment of a fee~~ he or she is duly licensed and
502 currently registered as a dental hygienist pursuant to this
503 chapter.

504 (b) The board ~~shall~~ may issue licenses and license



505 certificates to practice as dental hygienists to ~~those~~
506 ~~persons~~applicants who have passed the examination and have
507 been found qualified by the board. Alternatively, the board
508 may deny licenses or license certificates in instances where
509 it determines that doing so would be inconsistent with the
510 public interest and the promotion of public health and safety.

511 (c) The license certificate and annual registration
512 certificate shall be displayed in the office in which the
513 dental hygienist is employed.

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

517 (e) Each applicant for examination and license as a
518 dental hygienist shall meet either of the following
519 requirements:

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

523 (2) Has served as a dental assistant for a period of
524 time established by board rule and shall have served at least
525 one year as a dental hygienist trainee under a training permit
526 issued by the board to a qualified dentist practicing in this
527 state in accordance with the dental hygienist training program
528 established by the board.

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

532 "§34-9-27



533 (a) A dental hygienist ~~Dental hygienists~~ shall work
534 only under the direct supervision of a duly licensed dentist
535 practicing in this state. ~~Dental hygienists~~ A dental hygienist
536 may perform any duties allowed by rule ~~or regulation~~ of the
537 board and assist a licensed or permitted dentist in his or her
538 practice.

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

545 (c) The board may impose any of the penalties outlined
546 in Section 34-9-18 against any dentist who shall permit any
547 dental hygienist working under his or her supervision to
548 perform any operation other than those permitted under this
549 section, and may impose the penalties outlined in Section
550 34-9-18 against any dental hygienist who ~~shall perform~~
551 performs any operation other than those permitted under this
552 section."

553 "§34-9-43

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

556 (1) Adopt rules for its government as deemed necessary
557 and proper.

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

560 (3) Conduct or participate in examinations to ascertain



561 the qualification and fitness of applicants for licenses as
562 dentists and dental hygienists.

563 (4) ~~Make~~ Adopt rules ~~and regulations~~ regarding
564 sanitation.

565 (5) ~~Formulate~~ Adopt rules ~~and regulations~~ by which
566 dental schools and colleges are approved, and ~~formulate~~ adopt
567 rules ~~and regulations~~ by which training, educational,
568 technical, vocational, or any other institution ~~which~~ that
569 provides instruction for dental assistants, dental laboratory
570 technicians, or any other parodontal personnel are approved.

571 (6) Grant or deny licenses, ~~issue~~ license certificates,
572 teaching permits, and annual registration certificates in
573 conformity with this chapter ~~to such qualified dentists and~~
574 ~~dental hygienists~~.

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

577 (8)a. Employ necessary ~~persons~~ individuals to assist in
578 performing its duties in the administration and enforcement of
579 this chapter, and to provide offices, furniture, fixtures,
580 supplies, printing, or secretarial service ~~to these persons~~
581 and expend necessary funds.

582 b. Employ an attorney or attorneys, subject to the
583 approval of the Attorney General, to advise and assist in the
584 carrying out and enforcing of the provisions of this chapter.
585 Provided, however, that if the board contracts with an outside
586 attorney to be general counsel to the board, that attorney or
587 any member of a law firm with which he or she is associated
588 shall not function as the board's prosecutor at disciplinary



589 hearings.

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

593 b. Authorize and employ investigators who comply with
594 the Alabama Peace Officers' ~~Minimum~~ Standards and Training Act
595 to exercise the powers of a peace officer in investigating
596 alleged violations of the drug or controlled substances laws
597 by ~~persons~~ individuals licensed pursuant to this chapter,
598 including the powers of arrest and inspection of documents.

599 (10) Adopt rules ~~and regulations~~ to implement this
600 chapter.

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

610 (12) Attend meetings, seminars, workshops, or events
611 that may improve the function and efficiency of the board or
612 improve the ability of the board to enforce and administer
613 this chapter.

614 (b) The board, in exercising its powers and duties,
615 shall adhere to guidelines and proceedings of the State Ethics
616 Commission as provided in Chapter 25 of Title 36. The board



617 may adopt rules for the purpose of establishing additional
618 ethical guidelines."

619 "§34-9-60

620 Any ~~person~~ individual licensed or permitted to practice
621 dentistry in the State of Alabama shall be authorized to use
622 anesthesia in accordance with ~~the provisions of this~~
623 ~~section.~~ all of the following:

624 (1) All dentists are authorized to use local
625 anesthesia.

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

630 a. In order to receive ~~such~~ the permit, the dentist
631 must apply on a prescribed application form to the ~~Board of~~
632 ~~Dental Examiners~~ board, submit an application fee, and produce
633 evidence showing that he or she meets all of the following
634 requirements:

635 1. Has completed a minimum of one year of advanced
636 training in anesthesiology and related academic subjects (or
637 its equivalent) beyond the undergraduate dental school level
638 in a training program as described in Part II of the
639 guidelines for teaching the comprehensive control of pain and
640 anxiety in dentistry; or

641 2. Is a diplomate of the American Board of Oral and
642 Maxillofacial Surgery, or is eligible for examination by the
643 American Board of Oral and Maxillofacial Surgery, or is a
644 member of the American Association of Oral and Maxillofacial



645 Surgeons; or

646 3. Employs or works in conjunction with a ~~qualified~~
647 ~~medical doctor~~ licensed physician who is a member of the
648 anesthesiology staff in an accredited hospital, provided that
649 such anesthesiologist must remain on the premises of the
650 dental facility until any patient given a general anesthetic
651 regains consciousness and is discharged; and

652 4. Has a properly equipped facility for the
653 administration of general anesthesia staffed with a supervised
654 team of auxiliary personnel capable of reasonably assisting
655 the dentist with procedures, problems, and emergencies
656 incident thereto. Adequacy of the facility and competence of
657 the anesthesia team shall be determined by the ~~Board of Dental~~
658 ~~Examiners~~ board as outlined ~~below~~ in paragraph b.

659 5. ~~Possesses current~~ Has successfully completed
660 training in Advanced ~~Cardiac~~ Cardiovascular Life Support
661 (ACLS), and ~~basic life support certification~~ his or her
662 auxiliary personnel have successfully completed training in
663 Basic Life Support (BLS).

664 b. Prior to the issuance of ~~such~~ the permit, the ~~Board~~
665 ~~of Dental Examiners~~ board, at its discretion, may require an
666 on-site inspection of the facility, equipment, and personnel
667 to determine if, in fact, the ~~aforementioned~~ requirements in
668 paragraph a. have been met. This evaluation shall be carried
669 out in a manner prescribed by the board. The evaluation shall
670 be conducted by a team of three examiners appointed by the
671 ~~Board of Dental Examiners~~ board. These examiners shall be
672 dentists who are authorized to administer general anesthesia.



673 If the results of the initial evaluation are deemed
674 unsatisfactory, the applicant may reapply for a permit subject
675 to the correction of the deficiencies outlined in the original
676 evaluation.

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

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

697 "§34-9-63

698 (a) The issuance of a permit for general anesthesia
699 shall include the privilege of administering parenteral
700 sedation in accordance with this section. The issuance of a



701 permit for parenteral sedation shall include the privilege of
702 administering intravenous sedation. All current intravenous
703 sedation permit holders are entitled to a parenteral sedation
704 permit subject to the renewal ~~and regulatory provisions~~
705 ~~afforded to the Board of Dental Examiners by~~ requirements and
706 board rules adopted by the board pursuant to this chapter. The
707 term "parenteral sedation" shall not include the use or
708 regulation of nitrous oxide.

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

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

717 ~~1.~~ a. Apply on a prescribed application form to the
718 board.

719 ~~2.~~ b. Submit a fee.

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

722 ~~(i)~~ 1. Received formal training in the use of parenteral
723 sedation from a board approved training program, is competent
724 to handle all emergencies relating to parenteral sedation, and
725 is currently certified in cardiopulmonary resuscitation. The
726 certification of the formal training shall specify the total
727 number of hours, the number of didactic hours, and the number
728 of patient contact hours. The required number of didactic



729 hours and patient contact hours shall be determined by the
730 board.

731 ~~(ii)~~2. Equipped a proper facility for the
732 administration of parenteral sedation, staffed with a
733 supervised team of auxiliary personnel capable of reasonably
734 assisting the dentist with procedures, problems, and
735 emergencies incident to the sedation procedure.

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

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

743 ~~(2)~~(c) (1) Each dentist who is licensed to practice
744 dentistry in the state and who desires to continue to use
745 parenteral sedation shall make application to the board on the
746 prescribed form ~~to the board.~~ If he or she meets the
747 requirements of this section, or currently holds a valid
748 intravenous sedation permit, he or she shall be issued such a
749 permit subject to all renewal and regulatory requirements of
750 Section 34-9-64. If the applicant does not meet the
751 requirements of ~~paragraph a. of subdivision (1) of this~~
752 ~~section~~subdivision (b) (2), or does not currently hold a valid
753 intravenous sedation permit, he or she may be entitled to a
754 "parenteral sedation permit" if the applicant passes, ~~to the~~
755 ~~satisfaction of the board,~~ an on-site inspection to the
756 board's satisfaction. The inspection shall ascertain ~~that~~



757 whether the dentist has a properly equipped facility for the
758 administration of parenteral sedation, staffed with a
759 supervised team of auxiliary personnel capable of reasonably
760 assisting the dentist with incidental procedures, problems,
761 and emergencies.

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

770 ~~(3) A dentist utilizing parenteral sedation and the~~
771 ~~auxiliary personnel of the dentist shall be currently~~
772 ~~certified in cardiopulmonary resuscitation and the dentist~~
773 ~~shall be trained in advanced cardiac life support~~ (d) A dentist
774 utilizing parenteral sedation shall have successfully
775 completed training in Advanced Cardiovascular Life Support
776 (ACLS), and his or her auxiliary personnel shall have
777 successfully completed training in Basic Life Support (BLS).

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

784 "§34-9-86



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

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