

1 HB132
2 189276-1
3 By Representative Black
4 RFD: Health
5 First Read: 09-JAN-18

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8 SYNOPSIS: Under existing law, the State Board of
9 Dental Examiners is the entity responsible for
10 licensing and regulating dentists, dental
11 hygienists, and expanded duty dental assistants in
12 the state.

13 This bill would define and include patient
14 abandonment as grounds for disciplinary action
15 against a dentist.

16 This bill would expand the exemption of
17 mobile dental facilities subject to registration by
18 the board from certain Jefferson County Department
19 of Health mobile dental facilities to any mobile
20 dental facilities operated by the Alabama
21 Department of Public Health or local county health
22 department.

23 This bill would revise and clarify the
24 exemption from regulation provided for a dentist
25 who infrequently engages in practice across state
26 lines from less than 10 times a year to less than
27 10 days a year, and would delete the exemption for

1 practice involving less than 10 patients per
2 calendar year.

3 This bill would authorize the board to
4 approve and recognize additional continuing
5 education providers.

6 This bill would expand the time during which
7 an applicant may take the licensure examination to
8 within 18 months after completion of an accredited
9 or approved post-doctoral residency program.

10 This bill would require each dentist and
11 dental hygienist to display his or her license
12 certificate in a visible location and would allow
13 the licensee to reproduce his or her annual
14 registration certificate.

15 This bill would authorize the board to
16 establish rules for continuing education
17 requirements for permits.

18 This bill would increase the dental hygiene
19 by regional exam application fee.

20 This bill would clarify that failure to
21 comply with any order of the board is grounds for
22 disciplinary action.

23 This bill would provide for the roll of the
24 board, in lieu of the American Dental Association,
25 in recognizing and approving specialty status in
26 advertising by dentists.

1 This bill would remove the requirement that
2 board member ballots accompany annual registration
3 forms.

4 This bill would prohibit an appointed board
5 member from succeeding himself or herself on the
6 board.

7 This bill would remove the requirement that
8 the board hold an annual meeting in Birmingham at
9 the University of Alabama School of Dentistry, and
10 would authorize the board to hold additional
11 meetings as the board may designate.

12 This bill would require proof of continuing
13 education for the annual renewal of an oral
14 conscious sedation permit.

15 This bill would also make technical
16 corrections.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 To amend Sections 34-9-1, 34-9-6.1, 34-9-7,
23 34-9-7.1, 34-9-10, 34-9-13, 34-9-15, 34-9-16, 34-9-18,
24 34-9-19, 34-9-40, 34-9-41, and 34-9-88, Code of Alabama 1975,
25 relating to the regulation of dentists and dental hygienists;
26 to define and include patient abandonment as grounds for
27 disciplinary action against a dentist; to expand the exemption

1 of mobile dental facilities subject to registration by the
2 board to any mobile dental facility operated by the Alabama
3 Department of Public Health or a local county health
4 department; to exempt from regulation a dentist who
5 infrequently engages in practice across state lines for less
6 than 10 days a year and to delete the exemption for infrequent
7 practice involving less than 10 patients per calendar year; to
8 authorize the board to approve additional continuing education
9 providers; to expand the time during which an applicant may
10 take the licensure examination to within 18 months after
11 completion of an accredited or approved post-doctoral
12 residency program; to require each dentist and dental
13 hygienist to display his or her license certificate in a
14 visible location; to allow a licensee to reproduce his or her
15 annual registration certificate; to authorize the board to
16 establish rules for continuing education requirements for
17 permits; to increase the dental hygiene by regional exam
18 application fee; to clarify that failure to comply with any
19 order of the board is grounds for disciplinary action; to
20 provide for the roll of the board, in lieu of the American
21 Dental Association, in recognizing and approving specialty
22 status in advertising by dentists; to remove the requirement
23 that board member ballots accompany annual registration forms;
24 to prohibit appointed board members from succeeding
25 themselves; to remove the requirement that the board hold an
26 annual meeting at the University of Alabama School of
27 Dentistry; to authorize the board to hold additional meetings;

1 to require proof of continuing education for the annual
2 renewal of an oral conscious sedation permit; and to make
3 technical corrections.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Sections 34-9-1, 34-9-6.1, 34-9-7,
6 34-9-7.1, 34-9-10, 34-9-13, 34-9-15, 34-9-16, 34-9-18,
7 34-9-19, 34-9-40, 34-9-41, and 34-9-88 of the Code of Alabama
8 1975, are amended to read as follows:

9 "§34-9-1.

10 "For the purposes of this chapter, the following
11 terms shall have the respective meanings ascribed by this
12 section:

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

16 "(2) BOARD. The Board of Dental Examiners of
17 Alabama.

18 "(3) COMMERCIAL DENTAL LABORATORY. A technician or
19 group of technicians available to any or all licensed dentists
20 for construction or repair of dental appliances.

21 "(4) EXPANDED DUTY DENTAL ASSISTANT. A dental
22 assistant who holds a current expanded license certificate
23 from the board.

24 "(5) GENERAL ANESTHESIA. A controlled state of
25 unconsciousness, accompanied by a partial or complete loss of
26 protective reflexes, including inability to independently
27 maintain an airway and respond purposefully to physical

1 stimulation or verbal command, produced by a pharmacologic
2 method.

3 "(6) LICENSE. The grant of authority by the board to
4 a person to engage in the practice of dentistry or dental
5 hygiene.

6 "(7) LICENSE CERTIFICATE. The documentary evidence
7 under seal of the board that the board has granted authority
8 to the licensee to practice dentistry or dental hygiene in
9 this state.

10 "(8) LICENSED DENTIST. A dentist who holds a current
11 license certificate from the board.

12 "(9) LICENSED HYGIENIST. A hygienist who holds a
13 current license certificate from the board.

14 "(10) LOCAL ANESTHESIA. The elimination of
15 sensations, especially pain in one part of the body by topical
16 application or regional injection of a drug.

17 "(11) PATIENT ABANDONMENT. The termination of
18 dental treatment without giving the patient adequate notice of
19 at least 15 days before the termination of dental treatment.
20 Adequate notice includes informing the patient of the
21 availability of emergency treatment and providing the patient
22 with an opportunity to obtain the services of another dentist
23 during the notice period. Abandonment may also occur if the
24 dentist jeopardizes the health of the patient during the
25 termination process.

26 "~~(11)~~(12) PRACTICE OF DENTISTRY ACROSS STATE LINES.

1 "a. The practice of dentistry as defined in Section
2 34-9-6 as it applies to the following:

3 "1. The rendering of a written or otherwise
4 documented professional opinion concerning the diagnosis or
5 treatment of a patient located within this state by a dentist
6 located outside this state as a result of transmission of
7 individual patient data by electronic or other means from
8 within this state to the dentist or his or her agent.

9 "2. The rendering of treatment to a patient located
10 within this state by a dentist located outside this state as a
11 result of transmission of individual patient data by
12 electronic or other means from this state to the dentist or
13 his or her agent.

14 "3. The holding of himself or herself out as
15 qualified to practice dentistry, or use any title, word, or
16 abbreviation to indicate or induce others to believe that he
17 or she is licensed to practice dentistry across state lines.

18 "b. This definition is not intended to include an
19 informal consultation between a licensed dentist located in
20 this state and a dentist located outside this state provided
21 that the consultation is conducted without compensation or the
22 expectation of compensation to either dentist, and does not
23 result in the formal rendering of a written or otherwise
24 documented professional opinion concerning the diagnosis or
25 treatment of a patient by the dentist located outside the
26 state.

1 "~~(12)~~(13) PRIVATE TECHNICIANS. A technician employed
2 by a dentist or group of dentists for a specified salary.

3 "~~(13)~~(14) SEDATION. A depressed level of
4 consciousness that retains the patient's ability to
5 independently and continuously maintain an airway and respond
6 appropriately to physical stimulation or verbal command,
7 produced by a pharmacologic method.

8 "§34-9-6.1.

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

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

15 "(2) MOBILE DENTAL FACILITY. Any self-contained
16 facility in which dentistry or dental hygiene is practiced
17 which may be moved, towed, or transported from one location to
18 another.

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

24 "(4) PORTABLE DENTAL OPERATION. The use of portable
25 dental delivery equipment which is set up on site to provide
26 dental services outside of a mobile dental facility or a

1 dental office and uses non-fixed dental equipment and
2 independent plumbing.

3 "(b) In order to operate a mobile dental facility or
4 portable dental operation, an operator shall first obtain a
5 certificate of registration issued by the board. The operator
6 shall complete an application in the form and manner required
7 by the board and shall meet all qualifications established by
8 rules of the board.

9 "(c) A mobile dental facility shall comply with all
10 of the following requirements:

11 "(1) The operator shall maintain an official
12 business address which shall not be a post office box and
13 which shall be within this state and be associated with an
14 established dental facility which shall have an official
15 business address on record with the board. The address shall
16 be filed with the board as part of the application for a
17 certificate of registration.

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

23 "(3) The board shall be notified within 30 days of
24 any change in address, location, or telephone number of
25 record. The notification shall also include the method by
26 which patients are notified of the change of address,
27 location, or telephone number of record. For purposes of this

1 subdivision, patient shall mean any individual who has
2 received treatment or consultation of any kind within two
3 years of the date of the proposed change of address, location,
4 or telephone number of record.

5 "(4) All written or printed documents available from
6 or issued by the mobile dental facility shall contain the
7 official business address and telephone number of record for
8 the mobile dental facility.

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

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

1 dentist or dental hygienist, or both, who fail to provide the
2 referenced follow-up care shall be subject to disciplinary
3 action by the board.

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

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

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

22 "(10) All mobile dental facilities authorized in
23 this section which are a vehicle or which are to be towed or
24 otherwise transported by another vehicle shall be registered
25 in this state.

26 "(11) The operator of a mobile dental facility shall
27 not perform services on a minor without the signed consent

1 from the parent or guardian which form shall be established by
2 the board. The consent form shall inquire whether the
3 prospective patient has received dental care from a licensed
4 dentist within one year and if so, the consent form shall
5 request the name, address, and phone number of the dental
6 home. If the information provided to the operator does not
7 identify a dental home for the prospective patient, the
8 operator shall contact the Alabama Medicaid Agency for
9 assistance in identifying a dental home for Medicaid eligible
10 patients. If this information is provided to the operator, the
11 operator shall contact the designated dental home by phone,
12 facsimile, or electronic mail and notify the dental home of
13 the prospective patient's interest in receiving dental care
14 from the operator. If the dental home confirms that an
15 appointment for the prospective patient is scheduled with the
16 dentist, the operator shall encourage the prospective patient
17 or his or her guardian to seek care from the dental home. The
18 consent form shall document that the patient, or legal
19 guardian, understands the prospective patient has an option to
20 receive dental care from the mobile dental facility or his or
21 her designated dental home if applicable. The consent form
22 shall require the signature of a parent or legal guardian if
23 the patient is a minor.

24 "(12) Each operator of a mobile dental facility
25 shall maintain a written or electronic record detailing for
26 each location where services are performed all of the
27 following information:

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

2 "b. The dates of each session.

3 "c. The number of patients served.

4 "d. The types of dental services provided and the
5 quantity of each service provided.

6 "e. Any other information requested by rule of the
7 board.

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

10 "(14) Each mobile dental facility shall possess all
11 applicable county and city licenses or permits to operate at
12 each location.

13 "(d) The mobile dental facility shall comply with
14 the following physical requirements and inspection criteria:

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

16 "(2) A properly functioning sterilization system.

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

19 "(4) A covered galvanized, stainless steel, or other
20 noncorrosive container for deposit of refuse and waste
21 materials.

22 "(5) Ready access to toilet facilities which shall
23 be located within the mobile dental facility. Operators
24 applying for a certificate prior to July 1, 2008, are not
25 required to meet this requirement. Any governmental entity
26 operating a mobile dental facility shall only be required to
27 have ready access to toilet facilities.

1 "(6) All licenses and permits as required by Section
2 34-9-13 on site.

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

4 "(8) Sharps containers and red biohazard equipment
5 available on site.

6 "(e) A portable dental operation shall comply with
7 all of the following requirements:

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

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

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

1 years of the date of the proposed change of address, location,
2 or telephone number of record.

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

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

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

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

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

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

16 "(9) The operator of a portable dental operation may
17 not perform services on a minor without the signed consent
18 from the parent or guardian on a form established by the
19 board. The consent form shall request information as to
20 whether the prospective patient has received dental care from
21 a licensed dentist within one year and, if so, shall request
22 the name, address, and phone number of the dental home. If the
23 information provided to the operator does not identify a
24 dental home for the prospective patient, the operator shall
25 contact the Alabama Medicaid Agency for assistance in
26 identifying a dental home for Medicaid eligible patients. If
27 this information is provided to the operator, the operator

1 shall contact the designated dental home by phone, facsimile,
2 or electronic mail and notify the dental home of the
3 prospective patient's interest in receiving dental care from
4 the operator. If the dental home confirms that an appointment
5 for the prospective patient is scheduled with the dentist, the
6 operator shall encourage the prospective patient or his or her
7 guardian to seek care from the dental home. The consent form
8 shall document that the patient, or legal guardian,
9 understands the prospective patient has an option to receive
10 dental care from either the portable dental operation or his
11 or her designated dental home, if applicable. The consent form
12 shall require the signature of a parent or legal guardian if
13 the patient is a minor.

14 "(10) Each operator of a portable dental operation
15 shall maintain a written or electronic record detailing for
16 each location where services are performed all of the
17 following information:

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

19 "b. The dates of each session.

20 "c. The number of patients served.

21 "d. The types of dental services provided and the
22 quantity of each service provided.

23 "e. Any other information requested by rule of the
24 board.

25 "(11) The written or electronic record shall be made
26 available to the board within 10 days of a request.

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

4 "(f) The portable dental operation shall comply with
5 all physical requirements and inspection criteria established
6 by rule of the board and shall comply with the license and
7 permit requirements of Section 34-9-13.

8 "(g) The mobile dental facility or a portable dental
9 operation shall be inspected by the board or its
10 representative prior to receiving a certificate of
11 registration. Once registered, the mobile dental facility or a
12 portable dental operation shall be subject to periodic
13 unannounced audits and inspections by the board.

14 "(h) The mobile dental facility or a portable dental
15 operation shall comply with the current recommendations for
16 infection control practices for dentistry as promulgated by
17 the Centers for Disease Control and any rule of the board
18 relating to infection control or reporting in a dental office.

19 "(i) The initial application for a certificate of
20 registration shall include the full name, address, and
21 telephone number of the dentists and dental hygienists working
22 at the facility or operation. The initial application for a
23 certificate of registration shall also include proof of
24 insurance from a licensed insurance carrier that the operator
25 has in force at least one million dollars (\$1,000,000) of
26 general liability insurance. The operator shall be required to
27 maintain one million dollars (\$1,000,000) of general liability

1 insurance at all times for which the mobile dental facility or
2 portable dental operation is licensed by the Board of Dental
3 Examiners. Governmental entities which operate mobile dental
4 facilities or portable dental operations shall not be required
5 to have or maintain any amount of general liability insurance.
6 The operator shall advise the board in writing within 15 days
7 of any change in the employment of any dentist or dental
8 hygienist working at the facility or operation.

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

13 "(k) The operator shall notify the board in writing
14 within 10 days of any change in the procedure for emergency
15 follow-up care as provided in subdivision (6) of subsection
16 (c).

17 "(l) At the conclusion of each patient's visit to
18 the mobile dental facility or a portable dental operation, the
19 patient shall be provided with a patient information sheet
20 which shall also be provided to any individual or entity to
21 whom the patient has consented or authorized to receive or
22 access the patient's records. The information sheet shall
23 include at a minimum the following information:

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

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

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

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

9 "(m) In the event a mobile dental facility or a
10 portable dental operation is to be sold, the current operator
11 shall inform the board and the Alabama Medicaid Agency, if the
12 operator is an Alabama Medicaid enrolled provider, at least 10
13 days prior to the sale being completed and shall be required
14 to disclose the purchaser to the board and the Alabama
15 Medicaid Agency, if the operator is an Alabama Medicaid
16 enrolled provider, via certified mail within 10 days after the
17 date the sale is finalized. The operator of a mobile dental
18 facility or a portable dental operation shall notify the board
19 and the Alabama Medicaid Agency, if the operator is an Alabama
20 Medicaid enrolled provider, at least 30 days prior to
21 cessation of operation. Such notification shall include the
22 final day of operation and a copy of the notification shall be
23 sent to all patients and shall include the manner and
24 procedure by which patients may obtain their records or
25 transfer those records to another dentist. It is the
26 responsibility of the operator to take all necessary action to
27 insure that the patient records are available to the patient,

1 a duly authorized representative of the patient, or a
2 subsequent treating dentist. For purposes of this subsection,
3 a patient shall mean any individual who has received any
4 treatment or consultation of any kind within two years of the
5 last date of operation of the mobile dental facility or a
6 portable dental operation.

7 "(n) A mobile dental facility or a portable dental
8 operation that accepts or treats a patient but does not refer
9 patients for follow-up care when such follow-up care is
10 clearly necessary, shall be considered to have abandoned the
11 patient and will subject the operator and any dentist or
12 dental hygienist, or both, who fails to provide the referenced
13 follow-up care to disciplinary action by the board.

14 "(o) In addition to the requirements of this
15 section, any operator, dentist, or dental hygienist working or
16 performing any services at a mobile dental facility or a
17 portable dental operation shall be subject to the provisions
18 of this chapter. Any violation of the provisions of this
19 section shall subject the operator, dentist, or dental
20 hygienist to the penalties provided in Section 34-9-18, and no
21 order imposing penalties pursuant to Section 34-9-18 shall be
22 made or entered except after notice and hearing by the board
23 with any such order being subject to judicial review.

24 "(p) The board may promulgate rules to implement and
25 enforce this section.

26 "(q) A mobile dental facility or portable dental
27 operation shall conform to all requirements of this chapter,

1 rules promulgated by the board pursuant to this chapter, any
2 rule or regulation promulgated by the Occupational Safety and
3 Health Administration, the federal Centers for Disease Control
4 and Prevention, and the Alabama Department of Public Health,
5 and any applicable federal, state, or local law, regulation,
6 guideline, or ordinance including, but not limited to, those
7 relating to radiographic equipment, flammability,
8 construction, sanitation, medical waste transportation,
9 zoning, prevention of infection and disease, facility
10 operation, and licenses or permits to operate.

11 "(r) This section shall not apply to any ~~existing~~
12 ~~Jefferson County Department of Health mobile dental facilities~~
13 ~~that have been in service providing dental care within~~
14 ~~Jefferson County prior to December 31, 2007~~ mobile dental
15 facility operated by the Alabama Department of Public Health
16 or a local county health department.

17 "(s) This section shall not apply to any mobile
18 dental facility or portable dental operation which is operated
19 during a state of emergency declared by the Governor as
20 authorized in Section 31-9-8.

21 "(t) It is the express intent of the Legislature
22 that no state agency, including, but not limited to, the
23 Alabama Medicaid Agency, shall restrict any mobile dental
24 facility or portable dental operation which complies with the
25 provisions outlined herein and all applicable state and
26 federal rules from participation in its programs.

1 "(u) Notwithstanding any other provision of law, any
2 entity which is approved as tax exempt under Section 501(c)(3)
3 of the Internal Revenue Code and employs dentists licensed in
4 this state shall continue to be able to employ dentists
5 licensed in this state and to provide dental services in the
6 same manner and under the same conditions as licensed on June
7 7, 2008.

8 "§34-9-7.

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

11 "(1) The practice of his or her profession by a
12 physician or surgeon holding a certificate of qualification as
13 a medical doctor and licensed as such under the laws of this
14 state, provided he or she shall not practice dentistry as a
15 specialty.

16 "(2) The practice of dentistry in the discharge of
17 their official duties by graduate dentists or dental surgeons
18 in the United States Army, Navy, Air Force, or other armed
19 services, public health service including, but not limited to,
20 a federally qualified health center authorized and operating
21 under Section 330 of the Public Health Service Act (42 U.S.C.
22 § 254B), provided, however, that such federally qualified
23 health centers shall register pursuant to Section 34-9-7.2
24 (provided further however, dentists, dental hygienists, and
25 other personnel employed by any public health service which
26 performs dental health care for the general public under
27 programs funded in whole or part by the state or federal

1 government shall be subject to all of the provisions of this
2 chapter and the rules and regulations duly promulgated by the
3 board governing the practice of dentistry and dental hygiene
4 in this state), Coast Guard, or Veteran's Administration.

5 "(3) The practice of dentistry by a licensed dentist
6 of other states or countries at meetings of the Alabama Dental
7 Association or components thereof, or other like dental
8 organizations approved by the board, while appearing as
9 clinicians, or when appearing in emergency cases upon the
10 specific call of dentists duly licensed under this chapter.

11 "(4) The filling of prescriptions of a licensed and
12 registered dentist, as hereinafter provided, by any person or
13 persons, association, corporation, or other entity for the
14 construction, reproduction, or repair of prostheses (fixed or
15 removable) or appliances on a cast made by or from impressions
16 made by a licensed and currently registered dentist, to be
17 used or worn as a substitute for natural teeth; provided, that
18 the person or persons, association, corporation, or other
19 entity, shall not solicit or advertise, directly or
20 indirectly, by mail, card, newspaper, pamphlet, radio,
21 television, Internet, or otherwise, to the general public to
22 construct, reproduce, or repair prostheses (fixed or
23 removable) or other appliances to be used or worn as
24 substitutes for natural teeth.

25 "(5) The use of roentgen machines or other means for
26 making radiographs, digital images, or similar records, of
27 dental or oral tissues under the supervision of a licensed

1 dentist or physician; provided, that the services shall not be
2 advertised by any name whatever as an aid or inducement to
3 secure dental patronage, and no person shall advertise that he
4 or she has, leases, owns, or operates a roentgen or other
5 machine for the purpose of making dental radiographs or
6 images, of the human teeth or tissues or the oral cavity, or
7 administering treatments thereto for any disease thereof.

8 "(6) The giving of a general anesthetic by a nurse
9 anesthetist who administers a general anesthetic under the
10 direct supervision of a duly licensed dentist to a patient who
11 is undergoing dental treatment rendered by the dentist.

12 "(7) The use of a nurse in the practice of
13 professional or practical nursing, as defined in Sections
14 34-21-1 through 34-21-26, by a dentist.

15 "(8) A dentist who engages in the practice of
16 dentistry across state lines in an emergency, as defined by
17 the board.

18 "(9) A dentist who engages in the practice of
19 dentistry across state lines on an irregular or infrequent
20 basis. The "irregular or infrequent" practice of dentistry
21 across state lines is considered to occur if the practice
22 occurs less than 10 ~~times~~ days in a calendar year ~~or involves~~
23 ~~fewer than 10 patients in a calendar year, or the practice~~
24 ~~comprises less than one percent of the diagnostic or~~
25 ~~therapeutic practice of the dentist.~~

26 "(10) A dentist, dental hygienist, or expanded duty
27 dental assistant on active duty, or performing his or her

1 duties as a reservist in the military, is not subject to any
2 fee required for a special purpose license to practice
3 dentistry across state lines. The dentist, dental hygienist,
4 or expanded duty dental assistant shall notify the board in
5 advance of his or her participation in military activities and
6 shall forward a copy of his or her current dental license or
7 permit, or both, to the board. The dentist, dental hygienist,
8 or expanded duty dental assistant shall also provide proof of
9 military status and any orders requiring him or her to perform
10 dental treatment services in this state.

11 "§34-9-7.1.

12 "The practice of dentistry by a dentist licensed in
13 another state as a part of participation in a continuing
14 education course conducted, taught, or supervised by the
15 University of Alabama School of Dentistry or any other ~~dental~~
16 ~~college, hospital, or institution~~ continuing education
17 provider in Alabama which is approved by the board is exempt
18 from the licensing requirements of this chapter.

19 "§34-9-10.

20 "(a) Every person who desires to practice dentistry
21 within the State of Alabama shall file an application
22 prescribed by the board. Notwithstanding the method of
23 obtaining licensure or any particular requirement set forth
24 herein, every person as a prerequisite to licensure shall be
25 at least 19 years of age, of good moral character, a citizen
26 of the United States or, if not a citizen of the United
27 States, a person who is legally present in the United States

1 with appropriate documentation from the federal government, a
2 graduate of a dental school or college accredited by the
3 American Dental Association Commission on Dental Accreditation
4 and approved by the board and shall satisfy any other
5 requirement set forth in any rule adopted by the board.

6 "(b) Licensure by examination shall be applicable to
7 the following categories:

8 "(1) Those individuals who have never been licensed
9 or taken an examination and whose application to take an
10 examination administered or approved by the board is received
11 by the board within 18 months of graduation from dental school
12 or completion of an accredited or approved post-doctoral
13 residency program.

14 "(2) Those individuals who have successfully passed
15 an examination approved but not administered by the board so
16 long as an application for licensure is received by the board
17 within five years of the date of notification of passing such
18 examination. All applicants shall pay a fee which shall
19 accompany the application.

20 "(c) Any individual who possesses a current license
21 in any state, who has passed an examination approved by the
22 board and who has, since graduation from dental or dental
23 hygiene school, practiced or participated in a clinical
24 residency or practiced dentistry or dental hygiene in the
25 Armed Forces or with the public health service shall be
26 eligible for licensure if an application is received by the
27 board within five years of the completion of the subject

1 residency or Armed Forces or public health service commitment.
2 All the above applicants shall pay a fee which shall accompany
3 the application.

4 "(d) Licensure by credentials may be utilized to
5 evaluate the theoretical knowledge and clinical skill of a
6 dentist, dental hygienist, or expanded duty dental assistant
7 when an applicant for licensure by credentials holds a dental,
8 dental hygiene, or expanded duty dental assisting license in
9 another state. The board may promulgate rules and regulations
10 relating to licensure by credentials in addition to any
11 requirements by law. An applicant for licensure by credentials
12 shall satisfy all of the following:

13 "(1) The dentist, dental hygienist, or expanded duty
14 dental assistant shall have been engaged in the active
15 practice of clinical dentistry, clinical dental hygiene, or
16 clinical expanded duty dental assisting or in full-time
17 dental, dental hygiene, or clinical expanded duty dental
18 assisting education for the five years or 5,000 hours
19 immediately preceding his or her application.

20 "(2) The applicant shall hold a current, valid,
21 unrevoked, and unexpired license in a state having examination
22 standards regarded by the board as an equivalent to the
23 Alabama standards.

24 "(3) The board of examiners in the state of current
25 practice shall verify or endorse that the applicant's license
26 is in good standing without any restrictions.

1 "(4) The dentist, dental hygienist, or expanded duty
2 dental assistant shall not be the subject of a pending
3 disciplinary action in any state in which the individual has
4 been licensed which shall be verified by a query to the
5 National Practitioner Data Bank, the Health Integrity
6 Protection Data Bank, the American Association of Dental
7 Boards Clearing House for Disciplinary Information, or any
8 other pertinent bank currently existing or which may exist in
9 the future.

10 "(5) The applicant shall provide a written statement
11 agreeing to be interviewed at the request of the board.

12 "(6) The individual shall successfully pass a
13 written jurisprudence examination.

14 "(7) There shall be certification from the United
15 States Drug Enforcement Administration and from the state
16 board of any state in which the applicant is or has been
17 licensed that the DEA registration is not the subject of any
18 pending disciplinary action or enforcement proceeding of any
19 kind.

20 "(8) The dentist applicant shall submit affidavits
21 from two licensed dentists practicing in the same geographical
22 area where the applicant is then practicing or teaching
23 attesting to the moral character, standing, and ability of the
24 applicant. The dental hygiene applicant shall submit
25 affidavits from two licensed dentists or two licensed dental
26 hygienists, or any combination of two thereof, practicing in
27 the same geographical area where the applicant is then

1 practicing or teaching attesting to the moral character,
2 standing, and ability of the applicant. The expanded duty
3 dental assistant applicant shall submit affidavits from two
4 licensed dentists, two licensed dental hygienists, or two
5 licensed expanded duty dental assistants, or any combination
6 of two thereof, practicing in the same geographical area where
7 the applicant is then practicing or teaching attesting to the
8 moral character, standing, and ability of the applicant.

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

15 "(10) The applicant shall be a graduate of a dental,
16 dental hygiene, or expanded duty dental assisting school,
17 college, or educational program approved by the board.

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

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

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

- 1 "a. Questioning under oath.
- 2 "b. Results of peer review reports from constituent
3 dental societies or federal dental services.
- 4 "c. Substance abuse testing or treatment.
- 5 "d. Background checks for criminal or fraudulent
6 activities.
- 7 "e. Participation in continuing education.
- 8 "f. A current certificate in cardiopulmonary
9 resuscitation.
- 10 "g. Recent case reports or oral defense of diagnosis
11 and treatment plans.
- 12 "h. Proof of no physical or psychological impairment
13 that would adversely affect the ability to practice dentistry
14 or dental hygiene with reasonable skill and safety.
- 15 "i. An agreement to initiate practice within the
16 State of Alabama within a period of one year.
- 17 "j. Proof of professional liability coverage and
18 that coverage has not been refused, declined, cancelled,
19 nonrenewed, or modified.
- 20 "k. Whether the applicant has been subject to any
21 final disciplinary action in any state in which the individual
22 has been licensed which shall be verified by a query in the
23 National Practitioner Data Bank, the Health Integrity
24 Protection Data Bank, the American Association of Dental
25 Boards Clearing House for Disciplinary Information, any state
26 where the applicant has been licensed, or any other pertinent
27 bank currently existing or which may exist in the future.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 "(g) Notwithstanding the provisions of this section,
19 the board shall only issue a special purpose license to
20 practice dentistry across state lines to an applicant whose
21 principal practice location and license to practice are
22 located in a state or territory of the United States whose
23 laws permit or allow for the issuance of a special purpose
24 license to practice dentistry across state lines or similar
25 license to a dentist whose principal practice location and
26 license are located in another state. It is the stated intent
27 of this section that dentists who hold a full and current

1 license in the State of Alabama be afforded the opportunity to
2 obtain, on a reciprocal basis, a license to practice dentistry
3 across state lines in any other state or territory of the
4 United States as a precondition to the issuance of a special
5 purpose license as authorized by this section to a dentist
6 licensed in the other state or territory. The board shall
7 determine which states or territories have reciprocal
8 licensure requirements meeting the qualifications of this
9 section.

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

18 "(i) A current license shall mean one in good
19 standing authorizing the individual to practice in the state
20 of issuance.

21 "§34-9-13.

22 "Every practitioner of dentistry, dental hygiene,
23 and expanded duty dental assisting within the meaning of this
24 chapter shall have in his or her possession and posted in a
25 visible location a license certificate and an annual
26 registration certificate in the office wherein he or she
27 practices. A licensed practitioner who practices in more than

1 one location may reproduce the annual registration certificate
2 as needed; however, the practitioner may not reproduce the
3 license certificate. Copies of the license certificate may be
4 requested by the practitioner from the board as necessary.

5 "§34-9-15.

6 "(a) No person shall practice dentistry, dental
7 hygiene, or expanded duty dental assisting in the State of
8 Alabama unless licensed or permitted by the board and
9 registered annually as required by this chapter. The
10 secretary-treasurer of the board shall issue to each licensee
11 an initial registration form which shall contain space for the
12 insertion of name, address, date, and number of license
13 certificate, and other information as the board shall deem
14 necessary. The licensee shall sign and verify the accuracy of
15 the registration before a notary public after which he or she
16 shall forward the registration to the secretary-treasurer of
17 the board together with a fee. Each subsequent registration
18 shall be made in electronic format or by United States mail
19 upon a form to be determined by the board. On or before
20 October 1 of each year, every dentist, dental hygienist, and
21 expanded duty dental assistant licensed or permitted to
22 practice dentistry, dental hygiene, or expanded duty dental
23 assisting in the state shall transmit either online or by
24 United States mail to the secretary-treasurer of the board the
25 completed form prescribed by the board, together with a fee
26 established by the board pursuant to this chapter, and receive
27 thereafter the current annual registration certificate

1 authorizing him or her to continue the practice of dentistry,
2 dental hygiene, or expanded duty dental assisting in the state
3 for a period of one year. Any license or permit previously
4 granted under the authority of this chapter or any prior
5 dental practice act shall automatically be suspended if the
6 holder thereof fails to secure the annual registration
7 certificate before January 1, each year. Any dentist, dental
8 hygienist, or expanded duty dental assistant whose license or
9 permit is automatically suspended by reason of failure,
10 neglect, or refusal to secure the annual registration
11 certificate shall be reinstated by the board upon payment of
12 the penalty fee plus all accrued annual registration fees up
13 to a maximum of five years, accompanied with the prescribed
14 form for annual registration of the license or permit. Upon
15 failure of any licensee or permittee to file application for
16 the annual registration certificate and pay the annual
17 registration fee on or before November 30, each year, the
18 board shall notify the licensee or permittee by mail addressed
19 to the last address of record that the application and fee
20 have not been received and that, unless the application and
21 fee are received on or before the first day of January, the
22 license or permit shall be automatically suspended. The board
23 shall notify the licensee or permittee by mail addressed to
24 the last address of record of the effective date of the
25 automatic suspension and the provisions for registration of
26 the license or permit. The board shall waive the annual
27 payment of fees herein provided for and issue a current annual

1 registration certificate to any licensee or permittee who,
 2 because of age or physical disability, has retired from the
 3 practice of dentistry, dental hygiene, or expanded duty dental
 4 assisting or who is suffering a malady of a lingering or
 5 permanent nature. The board by rule shall waive annual
 6 registration and the payment of fees while any licensee is on
 7 temporary active duty with any of the Armed Forces of the
 8 United States. The waiver of fees herein provided shall be
 9 effective so long as the retirement because of age or physical
 10 disability or temporary active duty continues.

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

17 "§34-9-16.

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

	Description	Not More Than
22	Dental Examination Application	
23	Fee	\$750.00
24	Dental Examination Fee	\$2,500.00
25	Dental Examination Materials	\$500.00

1	Fee	
2	Dental Licensure by Creden-	
3	tials Application Fee	\$4,000.00
4	Dental Licensure by Regional	
5	Exam Application Fee	\$1,000.00
6	Special Purpose Licensure Fee	\$750.00
7	Special Purpose Licensure Re-	
8	newal Fee	\$750.00
9	Dental Annual Registration Fee	\$500.00
10	Dental License Reinstatement	
11	Penalty	\$500.00
12	Dental Hygiene Program Appli-	
13	cation Fee	\$500.00
14	Alabama Dental Hygiene Train-	
15	ing Permit Fee	\$450.00
16	Alabama Dental Hygiene Train-	
17	ing Education Fee	\$600.00
18	Alabama Dental Hygiene Program	
19	Instructor Certification	
20	Course Fee	\$200.00
21	Alabama Dental Hygiene Program	
22	Instructional Materials Fee	\$950.00
23	Dental Hygiene By Regional	
24	Exam Application Fee	\$75.00 <u>\$500.00</u>

1	Dental Hygiene Examination Ap-	
2	plication Fee	\$500.00
3	Dental Hygiene Examination Fee	
		\$600.00
4	Dental Hygiene Examination Ma-	
5	terials Fee	\$400.00
6	Dental Hygiene Licensure by	
7	Credentials Fee	\$2,000.00
8	Dental Hygiene Annual Regis-	
9	tration Fee	\$75.00
10	Dental Hygiene License Rein-	
11	statement Penalty	\$200.00
12	Expanded Duty Dental Assistant	
13	by Regional Exam Application	
14	Fee	\$75.00
15	Expanded Duty Dental Assistant	
16	Examination Application Fee	\$500.00
17	Expanded Duty Dental Assistant	
18	Examination Fee	\$600.00
19	Expanded Duty Dental Assistant	
20	Examination Materials Fee	\$400.00
21	Expanded Duty Dental Assistant	
22	Licensure by Credentials Fee	\$2,000.00
23	Expanded Duty Dental Assistant	\$75.00

1	Annual Registration Fee	
2	Expanded Duty Dental Assistant	
3	License Reinstatement Penalty	\$200.00
4	License Certificate Fee	\$500.00
5	Duplicate or Replacement Li-	
6	cense Fee	\$150.00
7	Dental Faculty Teaching Permit	
8	Fee	\$350.00
9	Dental Faculty Special Teach-	
10	ing Permit Fee	\$500.00
11	Alabama Controlled Substance	
12	Permit Fee	\$400.00
13	Alabama Controlled Substance	
14	Permit Renewal Fee	\$400.00
15	General Anesthesia Permit Fee	\$1,500.00
16	General Anesthesia Permit Re-	
17	newal Fee	\$750.00
18	Parenteral Sedation Permit Fee	\$1,500.00
19	Parenteral Sedation Permit Re-	
20	newal Fee	\$750.00
21	Oral Conscious Sedation Permit	
22	Fee	\$250.00
23	Oral Conscious Sedation Permit	
24	Renewal Fee	\$250.00

1	Mobile Dental Applica-	
2	tion/Inspection Fee	\$1,500.00
3	Mobile Dental Renewal Fee	\$1,500.00
4	Mobile Dental Facil-	
5	ity/Portable Dental Operation	
6	Application for Certificate of	
7	Registration Fee	\$750.00
8	Mobile Dental Facil-	
9	ity/Portable Dental Operation	
10	Renewal of Certificate of Reg-	
11	istration Fee	\$500.00
12	Alabama Impaired Dental Pro-	
13	fessionals Committee Annual	
14	Monitoring Fee	\$2,000.00

15 "§34-9-18.

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

22 "(1) Fraud, deceit, or misrepresentation in
23 obtaining any license, license certificate, annual
24 registration certificate, money, or other thing of value.

1 "(2) Gross immorality.

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

4 "(4) Is an habitual user of intoxicants or drugs
5 rendering him or her unfit for the practice of dentistry,
6 dental hygiene, or expanded duty dental assisting.

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

9 "(6) Is guilty of negligence or gross negligence.

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

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

23 "(7) Is guilty of employing, allowing, or permitting
24 any unlicensed person or persons to perform any work in his or
25 her office which, under this chapter, can only be legally done
26 by a person or persons holding a license to practice
27 dentistry, dental hygiene, or expanded duty dental assisting.

1 "(8) Willfully or negligently violates the rules of
2 the State Department of Health or of the board regarding
3 sanitation.

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

11 "(10) Is guilty of professional connection or
12 association with or lending his or her name to anyone who is
13 engaged in the illegal practice of dentistry, dental hygiene,
14 or expanded duty dental assisting.

15 "(11) Conviction in any court of competent
16 jurisdiction of a felony or a misdemeanor involving moral
17 turpitude.

18 "(12)a. A dental hygienist using or attempting to
19 use in any manner whatsoever any prophylactic list, call list,
20 records, reprints, or copies of same, or information gathered
21 therefrom, of the names of patients whom the dental hygienist
22 served in the office of a prior employer, unless the names
23 appear upon the bona fide call or prophylactic list of his or
24 her present employer and were caused to appear through the
25 legitimate practice of dentistry, dental hygiene, or expanded
26 duty dental assisting as provided for in this chapter.

1 "b. A licensed dentist who aids or abets or
2 encourages a dental hygienist or an expanded duty dental
3 assistant employed by him or her to make use of a prophylactic
4 list or the calling by telephone or by the use of letters
5 transmitted through the mails to solicit patronage from
6 patients formerly served in the office of any dentist
7 employing the hygienist, expanded duty dental assistant, or
8 nurse.

9 "c. An expanded duty dental assistant using or
10 aiding, abetting, or encouraging a dental hygienist to use in
11 any manner whatsoever any prophylactic list, call list,
12 records, reprints, or copies of same, or information gathered
13 therefrom, of the names of patients whom the expanded duty
14 dental assistant served in the office of a prior employer,
15 unless the names appear upon the bona fide call or
16 prophylactic list of his or her present employer and were
17 caused to appear through the legitimate practice of dentistry,
18 dental hygiene, or expanded duty dental assisting as provided
19 for in this chapter.

20 "(13) Pertaining to licensed dentists only, the
21 prescribing, administering or dispensing of any controlled
22 substances enumerated in Schedules I through V contained in
23 the Alabama Uniform Controlled Substances Act, Chapter 2 of
24 Title 20, or any amendment or successor thereto, or any drug
25 not prescribed for any dentally or facially related condition,
26 and/or for any necessary medication during the course of
27 treatment rendered directly by the dentist, for any person not

1 under his or her treatment in the regular practice of his or
2 her profession.

3 "(14) Irregularities in billing an insurance company
4 or other third party payer for services rendered to a patient.
5 For the purposes of this section irregularities in billing
6 shall include: Reporting charges for the purpose of obtaining
7 a total payment in excess of that usually received by the
8 dentist for the services rendered; falsely reporting treatment
9 dates for the purpose of obtaining payment; falsely reporting
10 charges for services not rendered; falsely reporting services
11 rendered for the purpose of obtaining payment; or failing to
12 advise any third party payer that the copayment provisions of
13 a contract have been abrogated by accepting the payment
14 received from the third party payer as full payment.

15 "(15) Pertaining to licensed dentists only, patient
16 abandonment.

17 "~~(15)~~ (16) Violating any rule adopted by the board.

18 "~~(16)~~ (17) Has had his or her license or permit to
19 practice dentistry, dental hygiene, or expanded duty dental
20 assisting from another state suspended or revoked based upon
21 acts similar to those described in this section. A certified
22 copy of the record of suspension or revocation of the state
23 making the suspension or revocation shall be conclusive
24 evidence thereof.

25 "~~(17)~~ (18) Violating any provision of this chapter.

26 "(b) When the board finds any dentist, dental
27 hygienist, or expanded duty dental assistant guilty of any of

1 the grounds set forth in subsection (a), it may enter an order
2 imposing one or more of the following penalties:

3 "(1) Refuse to issue the dentist, dental hygienist,
4 or expanded duty dental assistant any license or permit
5 provided for in this chapter.

6 "(2) With the exception of negligence as defined in
7 paragraph (a)(6)a. revoke the license or permit of any
8 dentist, dental hygienist, or expanded duty dental assistant.

9 "(3) Suspend the license or permit of any dentist,
10 dental hygienist, or expanded duty dental assistant.

11 "(4) Enter a censure.

12 "(5) Issue an order fixing a period and terms of
13 probation best adapted to protect the public health and safety
14 and to rehabilitate the dentist, dental hygienist, or expanded
15 duty dental assistant.

16 "(6) Impose an administrative fine not to exceed
17 five thousand dollars (\$5,000) for each count or separate
18 offense.

19 "(7) Impose restrictions on the scope of practice.

20 "(8) Impose peer review or professional education
21 requirements.

22 "(9) Assess the costs of the disciplinary
23 proceedings.

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

1 "(d) (1) No disciplinary action as outlined in
2 subsection (b) or (c) ~~hereof~~ shall be invoked or entered
3 except after hearing by the board as provided in this chapter,
4 and such order is subject to judicial review as provided by
5 this chapter.

6 "(2) No order of suspension or revocation provided
7 in this section shall be made or entered except after hearing
8 by the board as provided in this chapter, and the order shall
9 be subject to judicial review as provided by this chapter.

10 "(e) (1) The board may temporarily suspend a special
11 purpose license to practice dentistry across state lines
12 without a hearing on either of the following grounds:

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

15 "~~(2)~~b. The initiation of a disciplinary action
16 against the licensee by any state or territorial licensing
17 jurisdiction in which the licensee holds a license to practice
18 dentistry.

19 "(2) Notwithstanding any other provision of law,
20 including the Alabama Administrative Procedure Act, the
21 temporary suspension provided herein shall remain in effect
22 until either the licensee has complied with the request of the
23 board or the disciplinary action pending against the licensee
24 has been terminated in favor of the licensee and the temporary
25 suspension has been terminated by a written order of the
26 board. A special purpose license to practice dentistry across
27 state lines is subject to each of the grounds for disciplinary

1 action provided in this section in accordance with the
2 procedures of Section 34-9-24 and the Alabama Administrative
3 Procedure Act.

4 "(f) Members of the board, any agent, employee,
5 consultant, or attorney for the board, and the members of any
6 committee of dentists, dental hygienists, or expanded duty
7 dental assistants impaneled by the board, shall be immune from
8 suits for any conduct in the course of their official duties
9 with respect to investigations or hearings; provided, that the
10 persons act without malice and in good faith that such
11 investigations or hearings are warranted by the facts, known
12 to them after diligent effort to obtain the facts of the
13 matter relative to the investigations or hearings.

14 "(g) Nothing in this chapter shall be interpreted to
15 limit or restrict the authority of the board to discipline any
16 dentist licensed to practice in this state who violates this
17 chapter while engaging in the practice of dentistry within
18 this or any other state.

19 "(h) The board shall have the authority to adopt
20 rules imposing a non-disciplinary administrative penalty for
21 designated violations of this chapter.

22 "§34-9-19.

23 "(a) For the purpose of this section, the following
24 terms shall have the respective meanings:

25 "(1) ADVERTISEMENT. An advertisement is information
26 communicated in a manner designed to attract public attention
27 to the practice of a dentist as heretofore defined.

1 "(2) DENTIST. Any person licensed to practice
2 dentistry in this state pursuant to this chapter or any entity
3 authorized by law which is formed for the purpose of
4 practicing dentistry.

5 "(3) FALSE. A false statement or claim is one which:

6 "a. Contains a material misrepresentation of fact or
7 law.

8 "b. Omits a material fact rendering the statement or
9 claim when considered as a whole false.

10 "(b) A dentist shall have ultimate responsibility
11 for all advertisements which are approved by him or her or his
12 or her agents or associates and the dentist shall be
13 responsible for the following:

14 "(1) Broadcast advertisements shall be recorded,
15 approved by the dentist, and a recording of the actual
16 transmission shall be retained by the dentist for one year
17 following the final appearance or use of the advertisement.
18 The dentist is responsible for making copies of the
19 advertisement available to the board within 10 days following
20 a request by the board.

21 "(2) Written or printed advertisements shall be
22 approved by the dentist and a copy of the publication in which
23 the advertisement is displayed shall be retained by the
24 dentist for one year following the final appearance or use of
25 the advertisement. The dentist is responsible for making
26 copies of the advertisement available to the board within 10
27 days following a request by the board.

1 "(3) Other forms of advertisement shall be approved
2 by the dentist and the contents and specifications, where
3 applicable, shall be retained by the dentist for one year
4 following the final appearance or use of the advertisement and
5 the dentist is responsible for making copies of the
6 advertisement available to the board within 10 days following
7 a request by the board.

8 "(c) A dentist may not hold himself or herself out
9 as a specialist or advertise specialty status unless the
10 specialty is approved by the ~~American Dental Association~~
11 board.

12 "(d) Dentists who are not specialists in specialties
13 approved by the ~~American Dental Association~~ board may
14 nevertheless advertise that their practice is limited to a
15 specific area of dentistry only if the dentist has obtained
16 membership in or otherwise has been ~~credentialed~~
17 credentialed by an accrediting organization which is
18 recognized by the board as a bona fide organization for such
19 an area of practice.

20 "(e) Notwithstanding any provision of this section
21 to the contrary, a dentist licensed pursuant to this chapter
22 may not hold himself or herself out as a specialist or
23 advertise membership in a specialty recognized by an
24 accrediting organization, unless the dentist has continuously
25 held himself or herself out as a specialist since December 31,
26 1964, in a specialty recognized by the ~~American Dental~~
27 ~~Association~~ board or has completed a specialty education

1 program approved by the ~~American Dental Association~~ board and
2 the Commission on Dental Accreditation and meets either of the
3 following qualifications:

4 "(1) Is eligible for examination by a national
5 specialty board recognized by the ~~American Dental Association~~
6 board.

7 "(2) Is a diplomate of a national specialty board
8 recognized by the ~~American Dental Association~~ board.

9 "(f) A dentist licensed under this chapter may not
10 represent to the public without appropriate disclosure that
11 his or her practice is limited to a specific area of dentistry
12 other than a specialty area of dentistry authorized under
13 subsection (e) unless the dentist has attained membership in
14 or has otherwise been credentialed by an accrediting
15 organization which is recognized by the board as a bona fide
16 organization for such an area of dental practice. In order to
17 be recognized by the board as a bona fide accrediting
18 organization for a specific area of dental practice other than
19 a specialty area of dentistry authorized under subsection (c),
20 the organization must condition membership or credentialing of
21 its members upon all of the following:

22 "(1) Successful completion of a formal, full-time
23 advanced education program that is affiliated with or
24 sponsored by a university-based dental school that is beyond
25 the dental degree, is at the graduate or postgraduate level,
26 and is of at least 12 months in duration.

1 "(2) Prior didactic training and clinical experience
2 in the specific area of dentistry which is greater than that
3 of other dentists.

4 "(3) Successful completion of oral and written
5 examinations based on psychometric principles.

6 "(g) Notwithstanding the requirements of subsections
7 (e) and (f), a dentist who lacks membership in or
8 certification, diplomate status, or other similar credentials
9 from an accrediting organization approved as bona fide by
10 ~~either the American Dental Association or~~ the board may
11 announce a practice emphasis in any other area of dental
12 practice if the dentist incorporates in capital letters or
13 some other manner clearly distinguishable from the rest of the
14 announcement, solicitation, or advertisement the following
15 statement: " _____ (NAME OF ANNOUNCED AREA OF DENTAL
16 PRACTICE) IS NOT RECOGNIZED AS A SPECIALTY AREA BY THE
17 ~~AMERICAN DENTAL ASSOCIATION OR THE~~ BOARD OF DENTAL EXAMINERS
18 OF ALABAMA." If such an area of dental practice is officially
19 recognized by an organization which the dentist desires to
20 acknowledge or otherwise reference in the dentist's
21 announcement, solicitation, or advertisement, the same
22 announcement, solicitation, or advertisement shall also state
23 prominently: " _____ (NAME OF REFERENCED
24 ORGANIZATION) IS NOT RECOGNIZED AS A BONA FIDE SPECIALTY
25 ACCREDITING ORGANIZATION BY THE ~~AMERICAN DENTAL ASSOCIATION OR~~
26 ~~THE~~ BOARD OF DENTAL EXAMINERS OF ALABAMA."

1 "(h) The purpose of this section is to prevent a
2 dentist from advertising without appropriate disclosure
3 membership in an organization which may be perceived by the
4 public as recognizing or accrediting specialization or other
5 unique competencies in an area of dentistry that is not
6 recognized or accredited by the ~~American Dental Association or~~
7 ~~the~~ board in accordance with this section. The purpose of this
8 section is also to prohibit a dentist from advertising a
9 specialty or other area of dental practice without appropriate
10 disclosure unless the special competencies held by the dentist
11 satisfy the requirements of subsections (d) and (f). The
12 Legislature finds that dental consumers can reasonably rely on
13 these requirements as satisfactory evidence of a dentist's
14 attainment of meaningful competencies in the specialty or
15 other bona fide area of dental practice advertised. The
16 Legislature also finds that this process for the recognition
17 of dental specialties and other bona fide areas of dental
18 practice is the least restrictive means available to ensure
19 that consumers are not misled about a dentist's unique
20 credentials.

21 "(i) A dentist who lacks membership in or
22 certification, diplomate status, or similar credentials from
23 an accrediting organization approved as bona fide by ~~either~~
24 ~~the American Dental Association or~~ the board may announce a
25 practice emphasis in any other area of dental practice if the
26 dentist incorporates the disclaimer set forth in subsection
27 (g).

1 "(j) The board shall promulgate rules and
2 regulations delineating examples of advertising which would be
3 considered false, fraudulent, misleading, or deceptive.

4 "§34-9-40.

5 "(a) In order to accomplish the purposes and to
6 provide for the enforcement of this chapter, there is hereby
7 created the board. The board is hereby vested with the
8 authority to carry out the purposes and enforce the provisions
9 of this chapter. On June 24, 1959, the members of the present
10 board now in existence shall hold office for the remainder of
11 their respective terms for which they have been elected and
12 thereafter until their successors are elected and qualified
13 and shall constitute the board under this chapter. The board
14 shall consist of six dentists who shall be selected in the
15 method set forth herein all of whom having been actively
16 engaged in the practice of dentistry in the State of Alabama
17 for at least five years next preceding the date of their
18 election and one dental hygienist elected at-large as provided
19 in subsection (b). Each member of the board shall be a citizen
20 of this state. No member of the board shall be a member of the
21 faculty of any dental school, dental college, dental hygiene
22 school, or dental hygiene college or receive any financial
23 benefits for teaching in any dental school, dental college,
24 dental hygiene school, or dental hygiene college or have a
25 financial interest in a commercial dental laboratory or a
26 dental supply business. One member, who is qualified as
27 provided herein, shall be selected by the Alabama Dental

1 Society every five years. As for all elections of members, any
2 group of 10 or more licensed dentists, residing and practicing
3 dentistry in the state, may nominate a candidate for the
4 position of board member by submitting a petition bearing
5 their signatures to the secretary of the board to be
6 postmarked no later than the first day of July in the year of
7 the election. The board shall cause the election ballots to be
8 mailed or published digitally not later than September 1 in
9 the year of the election to all the licensed dentists residing
10 and practicing in the state and currently registered as
11 prescribed by law, ~~along with the annual registration form for~~
12 ~~the forthcoming fiscal year. Both the annual registration form~~
13 ~~and fee shall accompany the.~~ The ballot that shall be
14 postmarked, or otherwise submitted electronically, no later
15 than October 1 to the secretary of the board ~~no later than the~~
16 ~~first board workday following October 1 each year, ballots~~
17 ~~being nullified unless accompanied by or electronically filed~~
18 ~~with completed annual registration form and annual~~
19 ~~registration fee.~~ Three members of the board shall be present
20 at the time the ballots, digital or physical, are tallied. Any
21 candidate receiving a majority of the votes shall be declared
22 elected to the board and will take the oath of office on or
23 before October 15 in the year of his or her election. In the
24 event no candidate receives a majority of the votes cast, the
25 board shall conduct a run-off election between the two
26 candidates receiving the largest number of votes. The board
27 shall cause the ballots pertaining to the run-off election to

1 be mailed or digitally published on or before October 31 of
2 the election year to all the licensed dentists who have
3 renewed their licenses for the succeeding year as of October 1
4 of the current year, are residing and practicing in the state,
5 and currently are registered as prescribed by law, and the
6 ballots pertaining to the run-off election shall be postmarked
7 or digitally published no later than the fourteenth day of
8 November in the year of the run-off election and received, if
9 mailed, by the secretary of the board no later than the first
10 board workday following the fourteenth day of November. All
11 mailed ballots received after this date shall be nullified. In
12 the event of a run-off election, the candidate receiving the
13 largest number of votes in the run-off election shall be
14 declared elected to the board and shall take the oath of
15 office and begin his or her term of office no later than the
16 next scheduled board meeting. Every member elected shall hold
17 office for a period of five years, which terms shall begin
18 immediately upon taking an oath to properly and faithfully
19 discharge the duties of his or her office and until his or her
20 successor is elected and qualified, and the member so elected
21 or appointed shall not at the expiration of the term be
22 eligible to succeed himself or herself. The membership of the
23 board shall be inclusive and reflect the racial, gender,
24 geographic, urban/rural, and economic diversity of the state.
25 Except for the board member position selected by the Alabama
26 Dental Society, vacancies on the board shall be filled by the
27 board by the appointment of the immediate past member of the

1 board, and if for any reason the immediate past member of the
2 board is unable to accept the appointment, then the board
3 shall fill the vacancy by appointment of the most recent past
4 board member who is willing to accept the appointment. If no
5 past board member accepts the appointment, then the board may,
6 by majority vote, appoint any licensed dentist qualified under
7 the provisions of this chapter. In the event of a vacancy in
8 the position selected by the Alabama Dental Society, the
9 Alabama Dental Society shall select a dentist who is qualified
10 as provided herein to fill the vacancy. Members of the board
11 shall be removed by a two-thirds vote of the registered
12 dentists in the state for neglect of duty or any just cause,
13 by petition to the secretary of the board by 10 percent of the
14 licensed dentists in the state. On or before July 1, 1962, the
15 board shall send a copy of this section to all licensed
16 dentists in the state.

17 " (b) (1) One member of the board shall be a licensed
18 dental hygienist. The dental hygienist member shall be of good
19 moral and ethical character and shall have been actively
20 engaged in the practice of dental hygiene in the State of
21 Alabama for at least five years preceding the date of
22 election. No dental hygienist member shall be a member of the
23 faculty of any dental school, dental college, dental hygiene
24 school, or dental hygiene college or receive any financial
25 benefits for teaching in any dental school, dental college,
26 dental hygiene school, or dental hygiene college or have a

1 financial interest in a commercial dental laboratory or dental
2 supply business while serving on the board.

3 "(2) The dental hygienist member shall be elected as
4 follows:

5 "a. Any group of 10 or more licensed dental
6 hygienists, residing and practicing dental hygiene in the
7 State of Alabama, may nominate a candidate for the dental
8 hygienist position by submitting a petition bearing their
9 signatures to the secretary of the board no later than the
10 first day of July in the year of an election. The board shall
11 cause election ballots to be mailed or published digitally no
12 later than September 1 in the year of an election to all the
13 licensed dental hygienists residing and practicing in the
14 state and currently registered as prescribed by law. ~~Both the~~
15 ~~annual registration form and the registration fee shall~~
16 ~~accompany the.~~ The ballot ~~that~~ shall be postmarked or
17 otherwise submitted electronically no later than October 1 to
18 the secretary of the board ~~no later than the first board~~
19 ~~workday following October 1 each year, and the ballots will be~~
20 ~~nullified unless accompanied by or electronically filed with a~~
21 ~~completed annual registration form and the annual registration~~
22 ~~fee.~~

23 "b. Three members of the board shall be present at
24 the time the ballots, digital or physical, are tallied. Any
25 candidate receiving a majority of the votes shall be declared
26 elected to the board and shall take the oath of office on or
27 before October 15 in the year of his or her election. In the

1 event no candidate receives a majority of the votes cast, the
2 board shall conduct a run-off election between the two
3 candidates receiving the largest number of votes. The board
4 shall cause the ballots pertaining to any run-off election to
5 be mailed or digitally published on or before October 31 of
6 the election year to all licensed dental hygienists who have
7 renewed their licenses for the succeeding year as of October 1
8 of the current year, are residing and practicing in the state,
9 and are currently registered as prescribed by law, and the
10 ballots pertaining to the run-off election shall be postmarked
11 or digitally submitted no later than the fourteenth day of
12 November in the year of the run-off election and received, if
13 mailed, by the secretary of the board no later than the first
14 board workday following November 14. All mailed ballots
15 received after November 14 shall be nullified. In the event of
16 a run-off election, the dental hygienist candidate receiving
17 the largest number of votes in the run-off election shall be
18 declared elected to the board and shall take the oath of
19 office and begin his or her term of office no later than the
20 next scheduled board meeting.

21 "c. All elections as described above shall be
22 conducted by the board.

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

1 "(4) The dental hygienist member shall hold that
2 position for a period of five years, which term shall begin
3 immediately upon taking an oath to properly and faithfully
4 discharge the duties of his or her office and continue until
5 his or her successor is elected and qualified, and the member
6 so elected or appointed shall not at the expiration of the
7 term be eligible to succeed himself or herself. If a vacancy
8 occurs in the position of dental hygienist, the unexpired term
9 shall be filled by the board by the appointment of the
10 immediate past dental hygienist member. If for any reason the
11 immediate past dental hygienist member is unable to accept the
12 appointment, then the board shall fill the vacancy by a
13 majority vote of the other board members by the appointment of
14 some other past dental hygienist member. If a vacancy occurs
15 and there is not an immediate past dental hygienist member or
16 other past dental hygienist member, the vacancy shall be
17 filled by a unanimous vote of the board by the appointment of
18 some otherwise qualified dental hygienist.

19 "(5) The dental hygienist member shall advise the
20 board on matters relating to dental hygiene and shall only be
21 permitted to vote on matters relating to dental hygiene. The
22 board shall provide the dental hygienist member with timely
23 notice of all board meetings and the dental hygienist member
24 shall be allowed to attend all meetings unless prohibited by
25 law from attendance at any disciplinary hearings. The board
26 shall not adopt any rule relating to the practice of dental
27 hygiene unless the proposed rule has been submitted to the

1 dental hygienist member for review and comment at least 30
2 days prior to its adoption. The dental hygienist member shall
3 be entitled to the same compensation and expenses paid to
4 dentist members of the board pursuant to Section 34-9-41.

5 "(c) Any dentist or dental hygienist who has been
6 found guilty of violating this chapter or any provision of a
7 dental practice act of any other state and as a result his or
8 her license was revoked, suspended, or placed on probation or
9 who has been convicted of a felony, shall not be eligible for
10 election or membership on the board for a period of five years
11 from the termination of any such revocation, suspension, or
12 probation.

13 "§34-9-41.

14 "The board shall annually elect from its membership
15 a president, vice-president, and secretary-treasurer and may
16 employ staff members who are not members of the board. The
17 board shall have a common seal. The board shall hold an annual
18 meeting ~~in Birmingham at the University of Alabama School of~~
19 ~~Dentistry as soon as practical after the graduation exercises~~
20 ~~of the dental school for the purpose of examining or~~
21 ~~participating in the regional examination of applicants for a~~
22 ~~license to practice dentistry and dental hygiene or at such~~
23 ~~other times and places as the board may designate for the~~
24 ~~purpose of transacting its business and examinations, and~~
25 additional meetings at such times and places as the board may
26 designate. A majority of the board shall constitute a quorum
27 for the transaction of business at any meeting except that in

1 conducting hearings involving any of the penalties outlined in
2 Section 34-9-18, no less than five members of the board shall
3 be present. In conducting hearings involving any of the
4 penalties outlined in Section 34-9-18, a majority of the board
5 may appoint any former member of the board who for such
6 purposes shall have all the powers and privileges of such
7 office as a regular board member possesses. In conducting or
8 participating in exams, a majority of the board may appoint
9 any former member of the board or such other licensed
10 practicing dentists from a jurisdiction recognized by the
11 board who for such purposes shall have all the powers and
12 privileges of such office as a regular board member possesses.
13 Out of the funds of the board the members thereof shall
14 receive as compensation a sum to be fixed by the board for
15 each day actively engaged in the duties of their office, and
16 in addition board members shall receive the same per diem and
17 travel allowance as is paid by law to state employees for each
18 day actively engaged in the duties of their office. The
19 secretary-treasurer shall receive such compensation as may be
20 fixed by the board, which shall be in addition to his or her
21 per diem and expenses, provided no per diem or expenses shall
22 be allowed unless his or her duties require his or her absence
23 from his or her office. The secretary shall receive such
24 compensation as may be fixed by the board. The
25 secretary-treasurer shall be custodian of all property, money,
26 records and the official seal of the board. All money received
27 by the board under this chapter shall be paid to and received

1 by the secretary-treasurer of the board. The
2 secretary-treasurer shall deposit to the credit of the board
3 all funds paid to the board in a bank selected by its members.
4 The board is authorized to expend such funds as shall be
5 necessary to enforce the provisions of this chapter; to pay
6 salaries, expenses and other costs herein provided; to promote
7 the arts and science of dentistry; and for such other purposes
8 as the board shall consider to be in the best interest of
9 dentistry in this state. All the costs herein provided for
10 shall be paid by checks drawn by the secretary-treasurer and
11 countersigned by the president of the board; except the board
12 may authorize the administrative secretary or the executive
13 director to sign checks for costs that do not exceed a
14 monetary limit to be set by the board in its rules. Should the
15 property be other than money, the secretary-treasurer shall
16 provide for the safekeeping thereof for the use of the board.
17 All money, including license fees, annual renewal license
18 certificate fees, examination fees and any and all other fees
19 and receipts under the provisions of this chapter, are hereby
20 appropriated to the Board of Dental Examiners to be used as
21 herein provided.

22 "§34-9-88.

23 "~~This~~ An oral conscious sedation permit must be
24 renewed annually upon payment of a renewal fee and proof of
25 completion of any continuing education requirements
26 established by rule of the board."

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