

1 SB385
2 117936-5
3 By Senator Barron
4 RFD: Governmental Affairs
5 First Read: 09-FEB-10

1 SB385

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4 ENROLLED, An Act,

5 To amend Sections 34-9-10, 34-9-16, 34-9-41, and
6 34-9-42, Code of Alabama 1975, relating to the Board of Dental
7 Examiners, to provide further for fees of dental hygienists
8 and mobile dental fees, and to provide further for a quorum of
9 the board.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Sections 34-9-10, 34-9-16, 34-9-41, and
12 34-9-42, Code of Alabama 1975, are amended to read as follows:

13 "§34-9-10.

14 "(a) Every person who desires to practice dentistry
15 within the State of Alabama shall file an application
16 prescribed by the board. Notwithstanding the method of
17 obtaining licensure or any particular requirement set forth
18 herein, every person as a prerequisite to licensure must be at
19 least 19 years of age, of good moral character, a citizen of
20 the United States or, if not a citizen of the United States, a
21 person who is legally present in the United States with
22 appropriate documentation from the federal government, a
23 graduate of a dental school or college accredited by the
24 American Dental Association Commission on Dental Accreditation

1 and approved by the board and must satisfy any other
2 requirement set forth in any rule adopted by the board.

3 "(b) Licensure by examination shall be applicable to
4 the following categories:

5 "(1) Those individuals who have never been licensed
6 or taken an examination and whose application to take an
7 examination administered or approved by the board is received
8 by the board within 18 months of graduation from dental
9 school.

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

16 "(c) Any individual who possesses a current license
17 in any state, who has passed an examination approved by the
18 board and who has, since graduation from dental school,
19 practiced or participated in a clinical residency or practiced
20 dentistry in the Armed Forces or with the public health
21 service shall be eligible for licensure if an application is
22 received by the board within 18 months of the completion of
23 the subject residency or Armed Forces or public health service
24 commitment. All the above applicants shall pay a fee which
25 shall accompany the application.

1 "(d) Licensure by credentials may be utilized to
2 evaluate the theoretical knowledge and clinical skill of a
3 dentist or dental hygienist when an applicant for licensure by
4 credentials holds a dental or dental hygiene license in
5 another state. The board may promulgate rules and regulations
6 relating to licensure by credentials in addition to any
7 requirements by law. An applicant for licensure by credentials
8 must meet all of the following:

9 "(1) The dentist or dental hygienist must have been
10 engaged in the active practice of clinical dentistry or
11 clinical dental hygiene or in full-time dental or dental
12 hygiene education for the five years or 5,000 hours
13 immediately preceding his or her application.

14 "(2) The applicant must hold a current, valid,
15 unrevoked, and unexpired license in a state having examination
16 standards regarded by the Board of Dental Examiners of Alabama
17 as an equivalent to the Alabama standards.

18 "(3) The board of examiners in the state of current
19 practice must verify or endorse that the applicant's license
20 is in good standing without any restrictions.

21 "(4) The dentist or dental hygienist must not be the
22 subject of a pending disciplinary action in any state in which
23 the individual has been licensed which shall be verified by a
24 query to the National Practitioner Data Bank, the Health
25 Integrity Protection Data Bank, the American Association of

1 Dental Boards Clearing House for Disciplinary Information or
2 any other pertinent bank currently existing or which may exist
3 in the future.

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

6 "(6) The individual must successfully pass a written
7 jurisprudence examination.

8 "(7) There must be certification from the United
9 States Drug Enforcement Administration and from the state
10 board of any state in which the applicant is or has been
11 licensed that the DEA registration is not the subject of any
12 pending disciplinary action or enforcement proceeding of any
13 kind.

14 "(8) The applicant must submit affidavits from two
15 licensed dentists or two licensed dental hygienists practicing
16 in the same geographical area where the applicant currently is
17 practicing or teaching attesting to the applicant's moral
18 character, standing, and ability.

19 "(9) The applicant must provide the board with an
20 official transcript with school seal from the school of
21 dentistry or school of dental hygiene which issued the
22 applicant's professional degree or execute a request and
23 authorization allowing the board to obtain the transcript.

1 "(10) The applicant must be a graduate of a dental
2 or dental hygiene school, college, or educational program
3 approved by the board.

4 "(11) The applicant must not be the subject of any
5 pending or final action from any hospital revoking,
6 suspending, limiting, modifying, or interfering with any
7 clinical or staff privileges.

8 "(12) The applicant must not have been convicted of
9 a felony or misdemeanor involving moral turpitude or of any
10 law dealing with the administering or dispensing of legend
11 drugs, including controlled substances.

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

14 "a. Questioning under oath.

15 "b. Results of peer review reports from constituent
16 dental societies or federal dental services.

17 "c. Substance abuse testing or treatment.

18 "d. Background checks for criminal or fraudulent
19 activities.

20 "e. Participation in continuing education.

21 "f. A current certificate in cardiopulmonary
22 resuscitation.

23 "g. Recent case reports or oral defense of diagnosis
24 and treatment plans.

1 "h. Proof of no physical or psychological impairment
2 that would adversely affect the ability to practice dentistry
3 or dental hygiene with reasonable skill and safety.

4 "i. An agreement to initiate practice within the
5 State of Alabama within a period of one year.

6 "j. Proof of professional liability coverage and
7 that coverage has not been refused, declined, cancelled,
8 nonrenewed, or modified.

9 "k. Whether the applicant has been subject to any
10 final disciplinary action in any state in which the individual
11 has been licensed which shall be verified by a query in the
12 National Practitioner Data Bank, the Health Integrity
13 Protection Data bank, the American Association of Dental
14 Boards Clearing House for Disciplinary Information, any state
15 where the applicant has been licensed, or any other pertinent
16 bank currently existing or which may exist in the future.

17 "l. Whether the applicant's DEA registration or any
18 state controlled substances permit has ever been revoked,
19 suspended, modified, restricted, or limited in any way.
20 Provided, however, that any discipline that results only from
21 a failure to timely renew a registration or permit shall not
22 prevent an applicant from being eligible for this method of
23 licensure.

24 "(14) If all criteria and requirements are satisfied
25 and the board determines, after notice and hearing, that the

1 individual committed fraud or in any way falsified any
2 information in the application process, the license may be
3 revoked by the board.

4 "(15) In addition to the requirements for applicants
5 seeking licensure by credentials, an applicant desiring to
6 practice a specialty only must meet the following
7 requirements:

8 "a. The specialty must be one in a branch of
9 dentistry approved by the American Dental Association.

10 "b. The applicant must meet the existing educational
11 requirements and standards set forth by the American Dental
12 Association for that approved specialty.

13 "c. An applicant who chooses to announce or practice
14 a specialty must limit his or her practice exclusively to the
15 announced special area or areas of dental practice.

16 "d. If an applicant who is initially licensed by
17 credentials for a specialty practice decides to renounce his
18 or her specialty and practice general dentistry, and the
19 license originally issued did not require a general dental
20 license but rather a specialty license, or the applicant
21 originally passed only a specialty examination, the applicant
22 may not practice general dentistry until he or she
23 successfully passes the board's regular general dentistry
24 examination. However, if the applicant has passed a general
25 dentistry examination or has a general dentistry license, was

1 practicing a specialty, and decides not to continue that
2 specialty and practice only general dentistry, the applicant
3 is eligible for licensure by credentials as a general dentist.

4 "(e) Notwithstanding the provisions of subsection
5 (a), the board shall issue a special purpose license to
6 practice dentistry across state lines to an applicant who has
7 met the following requirements:

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

12 "(2) The applicant has not had any disciplinary
13 action or other action taken against him or her by any state
14 or licensing jurisdiction. If there has been previous
15 disciplinary or other action taken against the applicant, the
16 board may issue a certificate of qualification if it finds
17 that the previous disciplinary or other action indicates that
18 the dentist is not a potential threat to the public.

19 "(3) The applicant submits an application for a
20 certificate of qualification for a special purpose license to
21 practice dentistry across state lines on a form provided by
22 the board, remits an application fee in an amount established
23 by the board, and pays a fee.

24 "(f) A special purpose license issued by the board
25 to practice dentistry across state lines limits the licensee

1 solely to the practice of dentistry across state lines. The
2 special purpose license shall be valid for a period of three
3 years, shall expire on a renewal date established by the board
4 in the third calendar year after its issuance, and may be
5 renewed upon receipt of a renewal fee as established by the
6 board. Failure to renew a license according to the renewal
7 schedule established by the board shall result in the
8 automatic revocation of the special purpose license to
9 practice dentistry across state lines. An applicant may
10 reapply following automatic revocation for failure to renew.
11 The applicant shall meet the qualifications of subsection (e)
12 in order to be eligible for renewal of the license.

13 "(g) Notwithstanding the provisions of this section,
14 the board shall only issue a special purpose license to
15 practice dentistry across state lines to an applicant whose
16 principal practice location and license to practice are
17 located in a state or territory of the United States whose
18 laws permit or allow for the issuance of a special purpose
19 license to practice dentistry across state lines or similar
20 license to a dentist whose principal practice location and
21 license are located in another state. It is the stated intent
22 of this section that dentists who hold a full and current
23 license in the State of Alabama be afforded the opportunity to
24 obtain, on a reciprocal basis, a license to practice dentistry
25 across state lines in any other state or territory of the

1 United States as a precondition to the issuance of a special
2 purpose license as authorized by this section to a dentist
3 licensed in the other state or territory. The board shall
4 determine which states or territories have reciprocal
5 licensure requirements meeting the qualifications of this
6 section.

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

15 "(i) A current license shall mean one in good
16 standing authorizing the individual to practice in the state
17 of issuance.

18 "§34-9-16.

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

22	"Description	Not Less Than	Not More Than
23	Dental Examination Appli-		
24	cation Fee	\$200.00	\$750.00

1	Dental Examination Fee	\$100.00	\$2,500.00
2	Dental Examination Materi-		
3	als Fee	\$200.00	\$500.00
4	Dental Licensure by Cre-		
5	dentials Application Fee	\$100.00	\$4,000.00
6	Dental Licensure by Re-		
7	gional Exam Application		
8	Fee	\$100	\$1,000.00
9	Special Purpose Licensure		
10	Fee	\$200.00	\$750.00
11	Dental Annual Registration		
12	Fee	\$130.00	\$500.00
13	Dental License Reinstatement		
14	Penalty	\$250.00	\$500.00
15	Dental Hygiene Program Ap-		
16	plication Fee	\$50.00	\$500.00
17	Alabama Dental Hygiene		
18	Training Permit Fee	\$0.00	\$450.00
19	Alabama Dental Hygiene		
20	Training Education Fee	\$175.00	\$600.00
21	Alabama Dental Hygiene		
22	Program Instructor Certif-		
23	ication Course Fee	\$75.00	\$200.00

1	Alabama Dental Hygiene		
2	Program Instructional Ma-		
3	terials Fee	\$500.00	\$950.00
4	Dental Hygiene By Regional		
5	Exam Application Fee	\$55.00	\$75.00
6	Dental Hygiene Examination		
7	Application Fee	\$50.00	\$500.00
8	Dental Hygiene Examination		
9	Fee	\$100.00	\$600.00
10	Dental Hygiene Examination		
11	Materials Fee	\$100.00	\$400.00
12	Dental Hygiene Licensure		
13	by Credentials Fee	\$0.00	\$2,000.00
14	Dental Hygiene Annual Reg-		
15	istration Fee	\$55.00	\$75.00
16	Dental Hygiene License Re-		
17	instatement Penalty	\$100.00	\$200.00
18	License Certificate Fee	\$25.00	\$500.00
19	Duplicate License Fee	\$25.00	\$150.00
20	Dental Faculty Teaching		
21	Permit Fee	\$150.00	\$350.00
22	Alabama Controlled Sub-		
23	stance Permit Fee	\$125.00	\$400.00

1	Alabama Controlled Sub-		
2	stance Permit Renewal Fee	\$100.00	\$400.00
3	General Anesthesia Permit		
4	Fee	\$900.00	\$1,500.00
5	General Anesthesia Permit		
6	Renewal Fee	\$200.00	\$750.00
7	Parenteral Sedation Permit		
8	Fee	\$900.00	\$1,500.00
9	Parenteral Sedation Permit		
10	Renewal Fee	\$200.00	\$750.00
11	Oral Conscious Sedation		
12	Permit Fee	\$100.00	\$250.00
13	Oral Conscious Sedation		
14	Permit Renewal Fee	\$50.00	\$250.00
15	Mobile Dental Applica-		
16	tion/Inspection Fee	\$750.00	\$1,500.00
17	Mobile Dental Renewal Fee	\$250.00	\$1,500.00

18 "§34-9-41.

19 "The board shall annually elect from its membership
20 a president, vice-president, and secretary-treasurer and may
21 employ a secretary who is not a member of the board, and it
22 shall not be necessary that the secretary be a dentist. The

1 board shall have a common seal. The board shall hold an annual
2 meeting in Birmingham at the University of Alabama School of
3 Dentistry as soon as practical after the graduation exercises
4 of the dental school for the purpose of examining applicants
5 for a license to practice dentistry and dental hygiene or at
6 such other times and places as the board may designate for the
7 purpose of transacting its business and examinations. A
8 majority of the board shall constitute a quorum for the
9 transaction of business at any meeting except that in
10 conducting hearings involving any of the penalties outlined in
11 Section 34-9-18, no less than five members of the board shall
12 be present. In conducting hearings involving any of the
13 penalties outlined in Section 34-9-18, a majority of the board
14 may appoint any former member of the board who for such
15 purposes shall have all the powers and privileges of such
16 office as a regular board member possesses. In conducting
17 exams, a majority of the board may appoint any former member
18 of the board or such other licensed practicing dentists from a
19 jurisdiction recognized by the board who for such purposes
20 shall have all the powers and privileges of such office as a
21 regular board member possesses. Out of the funds of the board
22 the members thereof shall receive as compensation a sum to be
23 fixed by the board for each day actively engaged in the duties
24 of their office, and in addition board members shall receive
25 the same per diem and travel allowance as is paid by law to

1 state employees for each day actively engaged in the duties of
2 their office. The secretary-treasurer shall receive such
3 compensation as may be fixed by the board, which shall be in
4 addition to his or her per diem and expenses, provided no per
5 diem or expenses shall be allowed unless his or her duties
6 require his or her absence from his or her office. The
7 secretary shall receive such compensation as may be fixed by
8 the board. The secretary-treasurer shall be custodian of all
9 property, money, records and the official seal of the board.
10 All money received by the board under this chapter shall be
11 paid to and received by the secretary-treasurer of the board.
12 The secretary-treasurer shall deposit to the credit of the
13 board all funds paid to the board in a bank selected by its
14 members. The board is authorized to expend such funds as shall
15 be necessary to enforce the provisions of this chapter; to pay
16 salaries, expenses and other costs herein provided; to promote
17 the arts and science of dentistry; and for such other purposes
18 as the board shall consider to be in the best interest of
19 dentistry in this state. All the costs herein provided for
20 shall be paid by checks drawn by the secretary-treasurer and
21 countersigned by the president of the board; except the board
22 may authorize the administrative secretary to sign checks for
23 costs that do not exceed a monetary limit to be set by the
24 board in its rules. Should the property be other than money,
25 the secretary-treasurer shall provide for the safekeeping

1 thereof for the use of the board. All money, including license
2 fees, annual renewal license certificate fees, examination
3 fees and any and all other fees and receipts under the
4 provisions of this chapter, are hereby appropriated to the
5 Board of Dental Examiners to be used as herein provided.

6 "§34-9-42.

7 The secretary-treasurer of the board shall give bond
8 in such sum as may be prescribed by the board, conditioned to
9 faithfully and honestly discharge the duties of said office
10 according to law, which bond shall be made payable to the
11 Board of Dental Examiners of Alabama and held in the custody
12 of the president of said board. The secretary-treasurer of the
13 board shall compile an annual report which shall contain an
14 itemized statement of all money received and disbursed and a
15 summary of the official acts of the board during the preceding
16 year, and said report shall have attached thereto a certified
17 report and audit made by a certified public accountant of the
18 State of Alabama. A copy of said report and audit shall be
19 filed of record in the office of the Department of Finance of
20 the State of Alabama, and a copy shall be retained by the
21 secretary-treasurer to be rendered upon request, to the
22 dentists at large in the State of Alabama. The board may
23 affiliate with the American Association of Dental Boards, may
24 pay dues to the said association and may send all members of
25 the board to the meetings of said association. Such delegates

1 may receive the per diem herein provided for attending such
2 meetings and reimbursement for necessary expenses audited and
3 allowed by the board."

4 Section 2. This act shall become effective
5 immediately following its passage and approval by the
6 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB385

Senate 18-FEB-10

I hereby certify that the within Act originated in and passed the Senate, as amended.

McDowell Lee
Secretary

House of Representatives
Passed: 23-MAR-10

By: Senator Barron