

APA1
07/04

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No. N/A Department or Agency Board of Dental Examiners of Alabama
Rule No: 270-X-5.09
Rule Title: Non-Disciplinary Administrative Penalties
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

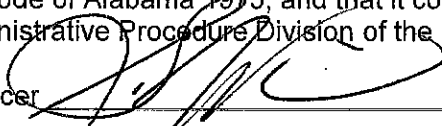
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 412223, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date April 21, 2015

(DATE FILED)
(STAMP)

APA2
07/04

Board of Dental Examiners of Alabama

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Dental Examiners of Alabama

RULE NO. & TITLE: 270-X-5.09 Non-Disciplinary Administrative Penalties

INTENDED ACTION: Amendment

SUBSTANCE OF PROPOSED ACTION: To amend the rule to allow for self-reporting as a mitigating circumstance such as to allow the imposition of an administrative penalty and to amend the time-frame for applicability of the administrative penalty.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

A Public Hearing will be convened at 6:00 p.m. on Thursday, July 9, 2015.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Any written comments must be received by Wednesday, July 8, 2015. Comments may be sent via mail or email at the addresses below.

CONTACT PERSON AT AGENCY:

Ms. Susan F. Wilhelm
Executive Director and General Counsel
5347 Stadium Trace Parkway, Suite 112
Hoover, Alabama 35244
(205) 985-7267
susan@dentalboard.org



Susan Franklin Wilhelm
Board of Dental Examiners of Alabama

270-X-5.09 Non-Disciplinary Administrative Penalties.

1. Except as set forth in paragraph five (5), Any licensee who is found to be in violation of the following requirements of the Alabama Dental Practice Act shall have imposed a non-disciplinary administrative penalty in the amount set forth below :
 - (1) (a) As to dentists only, failing to renew their DEA registration within one (1) year of the expiration thereof.
 - (2) (b) As to dentists only, any practice owner who allows a licensee to practice up to ~~thirty~~ one hundred-eighty (180) days without a current annual registration permit.
 - (3) (c) As to dentists only, by failing to comply with the provisions of Code of Alabama (1975), § 34-9-15.1.
 - (4) (d) Failing to timely renew any license or permit required pursuant to the Alabama Dental Practice Act and performing activities which require the applicable license or permit up to ~~thirty (30)~~ one hundred-eighty (180) days during the time the same was expired.
 - (5) (e) Failing to comply with the provisions of Board Rule 270-X-4.04. In addition to the applicable penalty, the licensee shall be required to make up the number of deficient hours by December thirty-first (31st) of the following renewal period.
2. The non-disciplinary administrative penalty shall be:
 - (6) (a) The penalty for a violation by dentists shall be up to five hundred dollars and 00/100 (\$500.00).
 - (7) (b) The penalty for a violation by licensed dental auxiliary shall be up to two hundred fifty dollars and 00/100 (\$250.00).
3. (8) Failure to pay the non-disciplinary administrative penalty within the time prescribed by the Board, unless otherwise notified, will result in disciplinary action.
4. (9) A licensee shall not qualify for the non-disciplinary administrative penalty referenced above for more than one (1) violation occurring within five (5) years of any prior application of this rule.
5. Notwithstanding the provisions of this rule, the Board may take into account a licensee who self-reports any of the violations referenced above and said self-reporting may constitute mitigating circumstances such as to allow the imposition of a non-disciplinary administrative penalty.

Statutory Authority Code of Alabama (1975), §§ 34-9-18(17), Act 2009-18.

Original Rule Filed: July 24, 2009, Amended Filed December, 2011, Adopted February 3, 2011, Amended Filed May 5, 2014.