

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control ___ Department or Agency: Board of Dental Examiners of Alabama

Rule No.: 270-X-2.11

Rule Title: Alabama Uniform Controlled Substances Act

___ 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 41-22-23, 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 *B. Bennett*

Date: 12/6/11

(DATE FILED)
(STAMP)

Board of Dental Examiners of Alabama

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Dental Examiners of Alabama

RULE NO. & TITLE: 270-X-2.11 Alabama Uniform Controlled Substances Act.

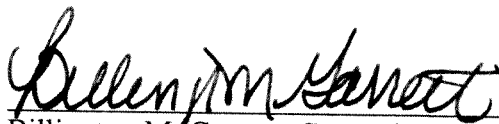
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to correct site statutory authority, to clarify language and to provide an exception for post-doctoral dental students and residents.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:30 p.m. on Friday, February 3, 2012. Comments should be directed to Sonya Lankford, Financial Secretary, at 5346 Stadium Trace Pky., Ste. 112 Hoover, AL 35244 or via electronic mail at BDEAL@dentalboard.org or via telephone at 205-985-7267.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Friday, February 3, 2012

CONTACT PERSON AT AGENCY: Ms. Sonya Lankford
Financial Secretary
5346 Stadium Trace Pky., Ste. 112
Hoover, AL 35244
(205) 985-7267



Billington M. Garrett, *Counsel*
Board of Dental Examiners of Alabama

Board of Dental Examiners of Alabama

NOTICE OF INTENDED ACTION

RULE NUMBER: 270-X-2.11

TITLE OF RULE: Alabama Uniform Controlled Substances Act.

(1) Pursuant to the Alabama Uniform Controlled Substances Act, specifically, ~~Code of Alabama 1975~~; Code of Alabama (1975), §§ 20-2-50 and 20-2-52, it shall be necessary for all licensed dentists and dentists who are issued special teaching permits who dispense, administer, prescribe, maintain or otherwise have in their possession controlled substances to annually register with the Board of Dental Examiners of Alabama and obtain a State Controlled Substance Number from said Board.

- (a) The requirement stated in paragraph (1) of obtaining a registration certificate is waived for post-doctoral dental students and residents from the start date of each post-doctoral dental student's/resident's training until the end of each post-doctoral dental student's/resident's training period. Each post-doctoral dental student/resident shall be issued a controlled substance number following the acceptance of an application submitted to the Board. Each post-doctoral dental student/resident must renew his/her controlled substance number annually.
- (b) Dental post-doctoral students and residents shall mean those enrolled in ADA accredited graduate programs at the UAB School of Dentistry or UAB Hospital, or in other such dental colleges, hospitals or institutions in Alabama, as may be approved by the Board.
- (c) A dental post-doctoral student or resident for whom the requirement of obtaining a registration certificate is waived shall perform his/her work within the facilities of such dental colleges, hospitals and institutions under the supervision of an instructor and as adjunct to his/her post graduate course of study or training.

(2) This State Controlled Substance Number must appear on prescription blanks as well as the Drug Enforcement Agency Number. Every written prescription issued in this state by a licensed dentist and/or post-doctoral dental student/resident in possession of a Board issued controlled substance number shall contain two (2) signature lines. Under one signature line shall be printed clearly the words "product selection permitted." The licensed dentist shall communicate instructions to the pharmacist by signing on the appropriate line.

(3) Registration under this rule will be due at the same time as the annual license registration to practice dentistry. In order to obtain a state controlled substances number the dentist must possess a current and valid registration from the United States Drug Enforcement Agency. A post-doctoral dental student/resident shall be required to use their schools facility United States Drug Enforcement Agency issued number.

(4) The fee for registration and the State Controlled Substance Number shall be an amount to be fixed by the Board.

(5) Any licensed dentist and/or post-doctoral dental student/resident dispensing, administering, prescribing, maintaining, or possessing controlled substances who ~~have~~ has not registered or obtained a State Controlled Substance Number will be deemed in violation of the Uniform Controlled Substances Act and will be subject to the penalties prescribed by law.

APA-2
11/96

Original Rule Filed: March 15, 2006, Amended: Filed November ____, 2011