

APA-1
11/96

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

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

Rule No.: 270-X-4.02

Rule Title: Approval Required For Utilization Of Unlicensed Individuals By Institutions

_____ 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-4.02 Approval Required For Utilization Of Unlicensed Individuals By Institutions.


INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to correctly site statutory authority and to clarify language.

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-4.02

TITLE OF RULE: Approval Required For Utilization Of Unlicensed Individuals By Institutions.

(1) Pursuant to the provisions of ~~Code of Ala. 1975~~, Code of Alabama (1975), §34-9-43(5), any clinical dental facility of any institution, school, or college where dental care is provided by dentists, dental hygienists, faculty members, students, interns, residents, or other individuals not duly licensed in Alabama, will be required to obtain APPROVED STATUS from the Board under the following procedure:

(a) The parent institution, school or college seeking APPROVED STATUS will be required to furnish the Board a detailed written description of the facility and its activities. This document shall include such items as location of the clinic; names and license (teaching permit) numbers of staff members; name and responsibility of all persons who perform any services defined as ~~dentistry or dental hygiene~~ dentistry/dental hygiene by ~~Code of Ala. 1975~~, Code of Alabama (1975), §§34-9-6, 34-9-27; source of and number of patients; services that will be rendered; copies of applicable grants or grant requests; description of quality control mechanisms; description of any research or experimental activities and such other data that the Board may deem necessary or pertinent.

(b) Any new clinical dental facility must request APPROVED STATUS from the Board at least six (6) months prior to the commencement of operations.

(c) The Board requires immediate notification before any change is made in an existing facility which has APPROVED STATUS.

(d) The Board or its authorized representative(s) will conduct onsite inspections of all APPROVED facilities and those seeking APPROVED STATUS whenever such action is deemed necessary by the Board.

(e) The Board may issue a temporary permit authorizing an APPROVED facility to employ an unlicensed graduate dentist provided that such dentist:

1. (i) Has met the requirements of Board Rule No. 270-X-2.01.

2. (ii) Will work under the direct supervision of a staff dentist duly licensed in Alabama.

3. (iii) Has made application to take the next licensure examination. This temporary permit shall be valid only until date of the next annual examination and shall not be renewable. Fees paid by such dentist as defined in ~~Code of Ala. 1975~~, Code of Alabama (1975), §34-9-16, shall not be refundable.

(f) Each facility with APPROVED STATUS must request renewal approval on an annual basis. The Board will compile and distribute annually a list of these facilities that have APPROVED STATUS and those which have requested APPROVED STATUS.

(g) The Board may withdraw APPROVED STATUS of any clinical dental facility if it deems such action shall be necessary or in the best interest of the people of this state.

APA-2
11/96

Statutory Authority ~~Code of Ala. 1975~~, Code of Alabama (1975), §§34-9-2, 34-9-43.

Original Rule Filed: September 28, 1982, Amended: Filed November ____, 2011