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11/96

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

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

Rule No.: 270-X-4.03

Rule Title: Approval Required For Any Training, Educational, Technical, Vocational, Or Any Other Institution Providing Instruction For Dental Assistants, Dental Laboratory Technicians, Or Any Other Paradental Personnel

_____ 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. Barnett*

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-4.03 Approval Required For Any Training, Educational, Technical, Vocational, Or Any Other Institution Providing Instruction For Dental Assistants, Dental Laboratory Technicians, Or Any Other Paradental Personnel.

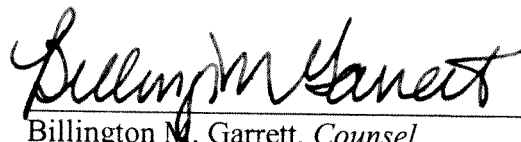
INTENDED ACTION: Amend

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-4.03

TITLE OF RULE: Approval Required For Any Training, Educational, Technical, Vocational, Or Any Other Institution Providing Instruction For Dental Assistants, Dental Laboratory Technicians, Or Any Other Paradental Personnel.

~~(1)~~ Pursuant to the provisions of ~~Code of Ala. 1975~~, Code of Alabama (1975), §34-9-43(5), any training, educational, technical, vocational, or any other institution which provides instruction for dental assistants, dental laboratory technicians or any other paradental personnel shall be required to obtain APPROVED STATUS from the Board of Dental Examiners of Alabama (hereinafter "Board") under the following procedure:

~~(a)~~ (1) Any training, educational, technical, vocational or any other institution (hereinafter collectively referred to as "institution") shall meet the applicable requirements and standards for such instruction as approved or adopted by the American Dental Association, a copy of these requirements and standards being available to the said institutions upon request to the secretary-treasurer of the Board.

~~(b)~~ (2) In determining whether the instruction at the institution meets and satisfies the requirements and standards for the same then in effect, the Board or any authorized representative(s) may conduct onsite inspections and examinations of the institution and may require the institution to submit any written information or material which the Board or its authorized representative(s) may deem necessary and appropriate.~~1-~~ If the institution fails or refuses to allow the Board or its authorized representative(s) to conduct onsite inspections and examinations or refuses or fails to submit, after notice, and within a reasonable period of time to be determined by the Board or its authorized representative(s), any required written information or material, the Board shall deny the institution APPROVED STATUS and give the institution notice thereof in writing.

~~(c)~~ (3) If the Board determines that the instruction provided by the institution meets the requirements and standards of the Board then in effect for the same, the institution shall be so notified by the Board in writing as soon as practicable.

~~(d)~~ (4) If the Board determines that the instruction provided by the institution does not meet the requirements and standards of the Board then in effect for the same, the Board shall so notify the institution in writing as soon as practicable, said notice to include at least the following:

~~1-~~ (a) The reasons why the instruction at the institution did not meet or satisfy the requirements or standards of the Board then in effect.

~~2-~~ (b) The specific requirements or standards that the institution failed to meet or satisfy.

~~3-~~ (c) A reasonable period of time to be determined by the Board or its authorized representative(s) in which the institution can correct the deficiencies so noted or otherwise satisfy or meet the Board's requirements or standards then in effect.

~~(e)~~ (5) If the institution fails to meet or satisfy the requirements or standards of the Board then in effect after notice and opportunity as provided in ~~paragraph (d)~~ subsection (4) above, the Board shall deny the institution APPROVED STATUS.

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(f) (6) The Board may withdraw APPROVED STATUS of an institution providing instruction if it deems such action shall be necessary or in the best interest of the people of this state or to protect the health, safety, or welfare of the people in this state.

(g) (7) Each institution with APPROVED STATUS must request in writing renewal approval on an annual basis. In deciding whether to grant any renewal, the Board may utilize any of the procedures contained in ~~paragraphs~~ subsections (a) (1) through (e) (5) above.

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