

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

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

Rule No.: 270-X-5.02

Rule Title: Procedure For Requesting Adoption, Amendment Or Repeal Of Rule And Submission

_____ 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 

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-5.02 Procedure For Requesting Adoption, Amendment Or Repeal Of Rule And Submission.

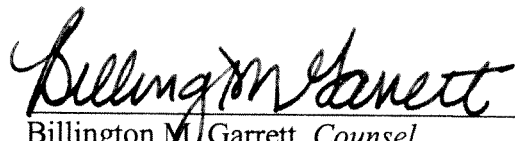
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to correctly site statutory authority, to clarify language and to change the requirements of information an individual must provide when requesting a Rule change

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-5.02

TITLE OF RULE: Procedure For Requesting Adoption, Amendment Or Repeal Of Rule And Submission.

Pursuant to ~~Code of Ala. 1975, Code of Alabama (1975), §41-2-28~~ 41-22-8, any person [as defined by ~~Code of Ala. 1975, Code of Alabama (1975), §41-2-23(6)~~ 41-22-3(6)] who wishes to request the adoption, amendment or repeal of any rule of the Board of Dental Examiners of Alabama shall be required to comply with the following:

- (a) (1) All requests shall be in writing and shall be sent to the secretary-treasurer of the Board of Dental Examiners of Alabama by registered mail with return receipt requested.
- (b) (2) If the request is submitted on behalf of a person who is an individual, it shall include the name, business and residence address, business and residence telephone number, ~~and the employer of the person.~~
- (c) (3) If the request is submitted on behalf of ~~a person other than an individual of an entity~~, it shall include the name, address and telephone number of the said ~~person~~ entity, and the name and title or position of the individual signing the request.
- (d) (4) The request shall identify with particularity the rule to be amended or repealed.
- (e) (5) The request shall explain in detail the reasons for the adoption, amendment, or repeal of any rule and shall set forth in detail the portion of the rule desired to be amended and shall set forth in detail the substance of any proposed amendment or new rule.
- (f) (6) The request shall state in detail how the ~~person~~ person/entity is affected by the present rule and how they will be affected by the amendment or repeal of the existing rule or by the adoption of a new rule.
- (g) (7) At the discretion of the Board, the request shall either be considered and disposed of at a meeting of the entire Board or may be assigned to any member or members of the Board for consideration and disposition.
- (h) (8) Within ~~60~~ sixty (60) days after receipt of the request by the Board the ~~person~~ person/entity who made the request shall be notified in writing that the Board has denied the request on the merits, stating its reasons for the denial, or shall be notified that the Board will initiate rulemaking procedures in accordance with ~~Code of Ala. 1975, Code of Alabama (1975), §41-22-5.~~
- (i) (9) If the request does not meet the requirements set out above, the request shall be returned and the ~~person~~ person/entity shall be notified in writing of this failure and shall further be notified of their right to resubmit the request.

Statutory Authority ~~Code of Ala. 1975, Code of Alabama (1975), §§34-9-43, 41-2-28~~ 41-22-8.
Original Rule Filed: September 28, 1982, Amended: Filed November ____, 2011