

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-5.06

Rule Title: Complaints

\_\_\_\_\_ 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

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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.

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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)

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control \_\_\_\_\_ Department or Agency: Board of Dental Examiners of Alabama

Rule No.: 270-X-5.07

Rule Title: Expense Recovery

\_\_\_\_\_ 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

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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.

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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)

APA-2  
11/96

**Board of Dental Examiners of Alabama**

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Dental Examiners of Alabama

RULE NO. & TITLE: 270-X-5.06 Complaints.

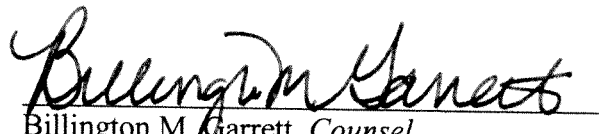
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to correct statutory authority, to clarify language, and to remove language requiring certain hearings to be held in executive session.

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](mailto: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-5.06

TITLE OF RULE: Complaints.

(1) The Board shall investigate complaints of alleged violations of the provisions of ~~Code of Ala. 1975, Code of Alabama (1975), Section 34-9-1~~ §34-9-1 ~~et seq.~~ or of the drug or controlled substances laws by persons licensed pursuant to the provisions of ~~Code of Ala. 1975, Code of Alabama (1975), Section 34-9-1~~ §34-9-1, ~~et seq.~~

(2) In carrying out its investigations, the Board shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documentary evidence and materials as set forth in ~~Code of Ala. 1975, Code of Alabama (1975), Section 34-5-46~~ §34-9-46.

(3) At any time during the course of an investigation, the Board may, within its discretion, issue a Letter of Concern to the ~~licensee~~ licensee who is the subject of the investigation. A Letter of Concern shall consist of a private, confident, written communication from the Board to the licensee, the contents of which shall be specified by the Board. A Letter of Concern shall not be considered a disciplinary action and is not intended to communicate a finding on the part of the Board that a licensee to whom the Letter of Concern is directed will be charged with or has been found guilty of wrong doing. The purpose of the Letter of Concern is to provide notice to the licensee under investigation that the Board has concluded that the alleged actions or conduct in question may not be in accord with provisions of ~~Code of Ala. 1975, Code of Alabama (1975), Section 34-9-1~~ §34-9-1 ~~et seq.~~ of the drug or controlled substances laws. The issuance of a Letter of Concern shall not preclude the Board from taking any other action authorized by law. A Letter of Concern shall be deemed a nonpublic record under the provisions of Rule 270-X-1.08. The Board shall notify the person or persons whose complaint led to the Board's decision to send a Letter of Concern. The Board may make public statistical reports concerning the number and type of Letters of Concern issued by the Board.

(4) ~~If as a result of the investigation a hearing is conducted pursuant to Code of Ala. 1975, §§34-9-1 the Alabama Administrative Procedure Act, Code of Ala. 1975, Section 41-22-1 and/or Rule 270-X-5.05 and the character or good name of a woman or man is involved, the hearing shall be held as an executive session or meeting of the Board.~~

Statutory Authority ~~Code of Ala. 1975, Code of Alabama (1975), §§34-9-2, 34-9-43, 41-22-12, et seq. 13A-14-2.~~

Original Rule Filed: September 28, 1982, Amended: Filed November \_\_, 2011