

**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

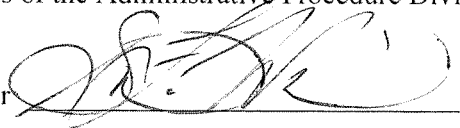
Are all facets of the rulemaking process designed solely
For the purpose of, and so they have, as their primary
Effect, the protection of the public? Yes

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: 1/14/13

(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-5.06 Complaints.

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to clarify the complaint procedures.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:30 p.m. on Thursday, April 4, 2013. Comments should be directed to Kevin Lane, Assistant to the Executive Director, 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:

Thursday, April 4, 2013

CONTACT PERSON AT AGENCY:

Mr. Kevin Lane
Assistant to the Executive Director
5346 Stadium Trace Pky., Ste. 112
Hoover, AL 35244
(205) 985-7267



Susan F. Wilhem, Esq., Executive Director
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 Alabama (1975), § 34-9-1 et seq. or of the drug or controlled substances laws by persons licensed pursuant to the provisions of Code of Alabama (1975), § 34-9-1, et seq., following the complaint protocol approved by Board vote and kept on file at the Board offices and effective at the time the complaint is received.

(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 Alabama (1975), § 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 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 Alabama (1975), § 34-9-1 et seq. 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.

Statutory Authority Code of Alabama (1975), §§ 34-9-2, 34-9-43, 41-22-12, et seq.
Original Rule Filed: September 28, 1982, Amended Filed December 7, 2011, Adopted February 3, 2012