

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control \_\_\_\_\_ Department or Agency: Board of Dental Examiners of Alabama  
Rule No.: 270-X-3.01

Rule Title: Examination Rules for Dental Hygienists

\_\_\_\_\_ 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 

Date: 9/17/12

(DATE FILED)  
(STAMP)

**Board of Dental Examiners of Alabama**

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Dental Examiners of Alabama

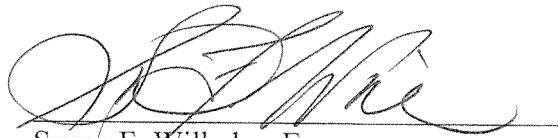
RULE NO. & TITLE: 270-X-3.01 Examination Rules for Dental Hygienists  
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to correct site statutory authority, to clarify language, to provide parameters for examination administration.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:30 p.m. on Thursday, January 9, 2013. Comments should be directed to Dennis Hodtwaker, CLS, Assistant to the Executive Director, at 5346 Stadium Trace Pky., Ste. 112 Hoover, AL 35244 or via electronic mail at [Dennis@dentalboard.org](mailto:Dennis@dentalboard.org) or via telephone at 205-985-7267.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Friday, January 10, 2013

CONTACT PERSON AT AGENCY: Dennis Hodtwaker, CLS  
Assistant to the Executive Director  
5346 Stadium Trace Pky., Ste. 112  
Hoover, AL 35244  
(205) 985-7267

  
Susan F. Wilhelm, Esq.  
Executive Director/General Counsel  
Board of Dental Examiners of Alabama

**Board of Dental Examiners of Alabama**

NOTICE OF INTENDED ACTION

RULE NUMBER: 270-X-3.01

TITLE OF RULE: **270-X-3.01 Examination Rules for Dental Hygienists.**

(1) In an examination conducted by the Board no person other than members of the Board of Dental Examiners and applicants for licensure shall be present in the rooms when and where examinations, either written, clinical, or laboratory procedures, are being conducted except by permission of the examiner(s) in charge.

(2) Any applicant found guilty of receiving or giving aid during the theoretical, operative, clinical, or prosthetic laboratory examination will be dismissed. Dismissal will constitute a failure.

(3) No smoking is allowed during examinations in examination facilities.

(4) Examination paper and other necessary materials will be furnished by the Board; no other paper of any kind, or textbooks, will be allowed in the examination room unless approved by the Board.

(5) All written examinations must be written in the English language.

(6) Board members are not permitted to interview applicants who have failed the examination. All such matters shall be directed to the secretary-treasurer in writing by the applicant.

(7) Board members are not permitted to disclose grades made by any applicant to anyone other than the applicant.

(8) When an applicant for licensure successfully passes either the written or clinical examination, that passing grade shall carry over and be valid only—for the next three (3) examinations but within the next sixteen (16) months following the initial examination unless a written request for an exception is submitted in writing by the applicant and granted by the Board.

(9) In addition, examinations shall be conducted and licenses issued in compliance with Code of Alabama (1975), § 34-9-11.

(10) If the applicant for licensure is unsuccessful after four (4) attempts or within the sixteen (16) month period following the initial Alabama Dental Hygiene Board Examination then the applicant shall be required to remediate by successfully completing a Board approved hygiene school or training program before he/she will be allowed to reapply for the Alabama Dental Hygiene Board Examination.

Statutory Authority Code of Alabama (1975), §§ 34-9-2, 34-9-4, 34-9-26, 34-9-43.

Original Rule Filed: September 28, 1982, Amended Filed December 7, 2011, Adopted February 3, 2012