

APA-1
Revised 4/2018

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 270 Department or Agency Board of Dental Examiners of Alabama
Rule No. 270-X-4-.04
Rule Title: Mandatory Continuing Education for Dentists and Dental Hyg...
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? N/A

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 action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

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 Services Agency.

Signature of certifying officer 

Date 01/19/2023

(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-.04, Mandatory Continuing Education for Dentists and Dental Hygienists.

INTENDED ACTION: Amend Rule.

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to amend its existing rule relating to continuing education for dentists and dental hygienists to require licensees to earn one (1) hour of Continuing Education each year in the subject of ethical considerations in the practice of dentistry.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested persons may submit data, views, or arguments concerning the proposed amended rule(s) and regulation(s) in writing to: W. Blake Strickland, Executive Director, Board of Dental Examiners of Alabama, 2229 Rocky Ridge Road, Birmingham, Alabama 35216, by mail or in person between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, until and including March 17, 2023. Persons wishing to submit data, views, or comments should contact W. Blake Strickland by e-mail (blake@dentalboard.org) during the comment period. Copies of proposed amended rules may be obtained at the Board's web site, www.dentalboard.org.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

March 17, 2023.

CONTACT PERSON AT AGENCY:

W. Blake Strickland, Executive Director
Board of Dental Examiners of Alabama
2229 Rocky Ridge Road
Birmingham, Alabama 35216



W. Blake Strickland
Executive Director

270-X-4-.04 Mandatory Continuing Education For
Dentists And Dental Hygienists.

(1) NUMBER OF HOURS.

(a) Dentists shall complete twenty (20) hours of continuing education every year as a condition of licensure renewal. No more than one-half (1/2) of the hours can be completed or satisfied by analog and/or digital media, journals, publications, internet courses, correspondence courses, or distance-based education whether by video or audio format. It shall be the responsibility of each dentist to submit on an annual basis an affidavit or other form approved and provided by the Board of Dental Examiners of Alabama to demonstrate compliance with this requirement. The required hours must be completed in the twelve (12) month period beginning October 1 of each year and ending September 30 of the next year. The period shall begin on the date of the initial certification or on the date of any subsequent recertification. The specific dental continuing education requirements are as follows:

(i) Dentists must maintain current certification in cardiopulmonary resuscitation (CPR) at the basic or advanced support level through the American Heart Association, American Red Cross, or an equivalent program. During the two-year CPR certification term, a dentist may apply only four (4) hours of CPR training to their annual twenty (20) hour requirement in the renewal period during which they were earned.

(ii) Dentists must maintain current certification in infectious disease control as it relates to the dental office or to the practice of dentistry. Dentists must achieve a minimum of one (1) hour of Continuing Education in the subject of infectious disease control every two (2) years.

(iii) Dentists must achieve a minimum of one (1) hour of Continuing Education in the subject of prescribing controlled substances every two (2) years.

(iv) Beginning with the Continuing Education cycle that begins on October 1, 2023, Dentists must achieve a minimum of one (1) hour of Continuing Education in the subject of ethical considerations in the practice of dentistry each year. The criteria for approval of ethics

Continuing Education are set forth below in subsection (5)(g) of this Rule.

(iv) Dentists who hold an Oral Conscious Sedation Permit must also complete a minimum of two (2) hours of Continuing Education in the subject of sedation and/or anesthesia every two (2) years.

(vi) The combined number of hours of continuing education training in the course areas of insurance, governmental regulations, and tort liability and/or risk management shall not exceed a total of four (4) hours for the annual renewal period.

(vii) Practice management courses shall not exceed a total of three (3) hours for the annual renewal period.

At least half of all continuing education must be attributed to the practice of dentistry. All hours earned for continuing education must be submitted in the renewal period during which they were earned.

(b) Dental Hygienists shall complete twelve (12) hours of continuing education every year as a condition of licensure renewal. No more than one-half (1/2) of the hours can be completed or satisfied by analog and/or digital media, journals, publications, internet courses, correspondence courses or distance-based education whether by video or audio format. It shall be the responsibility of each dental hygienist to submit on an annual basis an affidavit or other form approved and provided by the Board of Dental Examiners of Alabama to demonstrate compliance with this requirement. The required hours must be completed in the twelve (12) month period beginning October 1 of each year and ending September 30 of the next year. The period shall begin on the date of the initial certification or on the date of any subsequent recertification. The specific dental hygiene continuing education requirements are as follows:

(i) Dental hygienists must maintain current certification in cardiopulmonary resuscitation (CPR) at the basic support level through the American Heart Association, American Red Cross, or an equivalent program. This requirement must be satisfied by completing an in-person training course. During the two-year CPR certification term, a dental hygienist may apply only two (2) hours of

CPR training to their annual requirement in the renewal period during which they were earned.

(ii) Dental hygienists must maintain current certification in infectious disease control as it relates to the dental office or to the practice of dentistry. Dental hygienists must achieve a minimum of one (1) hour of Continuing Education in the subject of infectious disease control every two (2) years.

(iii) Beginning with the Continuing Education cycle that begins on October 1, 2023, Dental Hygienists must achieve a minimum of one (1) hour of Continuing Education in the subject of ethical considerations in the practice of dental hygiene each year. The criteria for approval of ethics Continuing Education are set forth below in subsection (5)(g) of this Rule.

~~(iiiiv)~~ The combined number of hours of continuing education training in the course areas of insurance, governmental regulations, and tort liability and/or risk management shall not exceed a total of four (4) hours for the annual renewal period.

~~(iv)~~ Practice management courses shall not exceed a total of three (3) hours for the annual renewal period.

At least half of all continuing education must be attributed to the practice of dental hygiene. All hours earned for continuing education must be submitted in the renewal period during which they were earned.

(c) Dentists/dental hygienists will be allowed up to four (4) hours of credit for the twelve-month period for pro bono charitable work performed within the State of Alabama. Any such work by a dental hygienist must be under the direct supervision of a dentist licensed in the State of Alabama. One (1) hour of continuing education credit shall be awarded for every two (2) hours of service.

(d) Licensees who have graduated or completed a dental residency in the year of their initial licensure shall only be required to accrue and prove compliance with required hours of continuing education through the end of the subsequent year following licensure. Thereafter said licensees shall comply with continuing education requirements set forth above. However, said licensees must

be able to prove compliance with this rule regarding CPR and infectious disease control certifications.

(2) RECORD KEEPING, REPORTING, AND MONITORING.

(a) It is the responsibility of each dentist/dental hygienist to maintain and compile accurate records relating to all continuing education courses or activities they have attended and completed. Accurate records shall mean a certification or evidence of attendance at any continuing education courses. It shall be the responsibility of each dentist/dental hygienist to maintain the above described documentation and information pertaining to each year for a period of two (2) years and this information shall be submitted to the Board of Dental Examiners of Alabama within thirty (30) days after a request for the same by the Board.

(b) Each dentist/dental hygienist must submit during the license renewal period of each calendar year, evidence or documentation of satisfactory completion of the required hours of continuing education provided for in these rules. This information shall be submitted on an affidavit and/or other means to be approved and provided by the Board of Dental Examiners of Alabama. Upon receipt of this information it shall be reviewed by the Board of Dental Examiners of Alabama and the dentist/dental hygienist shall then be notified that either:

1. They have fulfilled the requirements of these rules and their annual registration will be issued, or
2. They will be notified there are deficiencies or non-compliance with these rules and they will be subject to a non-disciplinary administrative penalty as set forth in Board Rule 270-X-5.09(1) (e).

(c) Any dentist/dental hygienist who receives notification that they will be subject to a non-disciplinary administrative penalty because of non-compliance with these rules may appeal in writing to the Board of Dental Examiners of Alabama within Thirty (30) days from the date of the Board's notification to them of their non-compliance. Upon the receipt of the written appeal, the Board may request the submission of additional information or records or may require the dentist/dental hygienist to appear before the Board in connection with the appeal.

(3) AUDITING.

The Board of Dental Examiners of Alabama may randomly audit the continuing education documentation or information to be maintained or submitted by each dentist/dental hygienist as described herein to assure compliance with these rules. Failure to maintain the documentation or information set forth in these rules, the submission of false or misleading information or documentation to the Board, or failure to submit requested documentation or information within the time specified by the Board may subject the dentist/dental hygienist to a non-disciplinary administrative penalty.

(4) WAIVER.

Upon written request to the Board of Dental Examiners of Alabama, and upon the demonstration of good and sufficient cause, the Board may grant a waiver or extension of time for the completion of the annual hour requirements for continuing education as set forth herein. Any such request must be received by the Board prior to September first (1st) of the year in which the waiver or extension applies. Any such request received after the above referenced date will be considered untimely and denied. The dentist/dental hygienist who seeks such a waiver or extension shall submit to the Board any documentation required by the Board which the Board deems appropriate for it to make a decision concerning that waiver or extension.

(5) CRITERIA FOR APPROVAL OF CONTINUING EDUCATION.

(a) Continuing dental education may include, but is not limited to, attendance at lectures, study clubs, college and post graduate courses, scientific sessions of conventions, research, graduate studies, teachings, service as a clinician, analog and/or digital media, journals, internet courses, publications, or correspondence courses. Continuing education programs may include, but are not limited to, programs that address any of the following:

1. Competency in treating patients who are medically compromised or who experience medical emergencies during the course of dental treatment;

2. Knowledge of pharmaceutical products and the protocol of the proper use of medications or controlled substances;

3. Competency to diagnose oral pathology;
4. Awareness of currently accepted methods of infection control;
5. Basic medical and scientific subjects including but not limited to biology, physiology, pathology, biochemistry and pharmacology, analgesia, diet and nutrition, microbiology, anatomy, dental anatomy, microscopic anatomy, chemistry, organic chemistry, and neurology;
6. Clinical and technological subjects including but not limited to techniques and procedures in general dentistry or recognized specialties, dental materials and equipment, diagnosis and treatment planning, asepsis and sterilization techniques and radiology;
7. Subjects pertinent to health and safety including but not limited to public health problems, communicable diseases, emergency care, cardiopulmonary resuscitation, advanced life support, patient stress management, the laws and rules governing the practice of dentistry/dental hygiene, and ethical considerations in the practice of dentistry/dental hygiene; and
8. Insurance, governmental regulations and tort liability and/or risk management.

(b) Programs or courses that focus on the following areas cannot be considered acceptable or satisfactory continuing education:

1. Personal finances;
2. Presentations by political or public figures or other persons who do not deal primarily with dental or dental hygiene practice;
3. Personal motivational courses; and
4. Basic educational or cultural subjects not directly related to the practice of dentistry/dental hygiene, outside the scope of the dentist/dental hygienist's practice or inconsistent with the dentist/dental hygienist's scope of practice.

(c) One (1) hour of continuing education credit shall be given for each hour of attendance and an hour of attendance shall be defined as exceeding fifty (50) minutes. Two (2) hours of continuing education credit shall be given for each hour taught by a dentist/dental hygienist at a continuing education program provided, however, that no more than one-half (1/2) of the annual required hours can be completed or satisfied in this manner. A dentist/dental hygienist cannot attain more than eight (8) hours of continuing education credit for any one day.

(d) Programs meeting the general requirements of paragraph 5(a) above may be developed and offered to dentists/dental hygienists by any of the following agencies or organizations:

1. National, state, district or local dental/dental hygiene associations;
2. Accredited dental/dental hygiene colleges or schools.

(e) Courses may be approved by the Board, or its designee, if the following five (5) criteria are submitted to the Board at least two months in advance of a course's being presented (the Board will not approve courses in retrospect):

1. Didactic/clinical subject matter;
2. Lecture participation;
3. Outline objectives;
4. Hours commensurate with time spent; and,
5. Presenter qualifications.

(f) The Board of Dental Examiners of Alabama shall have the right to monitor or audit any course or program to determine whether that course or program is in compliance with these rules.

(g) Continuing Education courses will be approved as meeting the requirements for ethical considerations in the practice of dentistry and/or dental hygiene if the information submitted to the Board of Dental Examiners of Alabama demonstrates that the course includes substantial

content addressing any combination of one or more of the following topics:

1. The American Dental Association (ADA) Principles of Ethics and Code of Professional Conduct (dentists and/or dental hygienists);

2. The American Dental Hygienists Association (ADHA) Code of Ethics for Dental Hygienists (dental hygienists only);

3. Abuse, neglect, or human trafficking;

4. Sexual abuse, misconduct, and/or boundary violations;

5. Informed consent;

6. Billing and coding; and

7. Mandatory reporting obligations applicable to dentists and/or dental hygienists.

Courses presented by the American Society for Dental Ethics or the American College of Dentistry, and any course that satisfies an ethics continuing education requirement of the licensee's professional liability insurance carrier, will also generally be accepted as satisfying the ethics requirement.

(6) LICENSEES EXCUSED FROM CONTINUING EDUCATIONAL REQUIREMENTS.

(a) Any dentist/dental hygienist licensed in the State of Alabama but practicing outside the State of Alabama; however, if such person returns to the State of Alabama, and desires to practice dentistry/dental hygiene, he/she shall then be required to submit evidence to the Board of Dental Examiners of Alabama prior to being allowed to practice, that they have attended and completed within the preceding five (5) years continuing education courses or programs which comply with these rules in a number of hours not less than twenty (20) nor more than One Hundred (100).

(b) Dentists enrolled fulltime in a postgraduate specialty training or residency program at a dental school

accredited by the American Dental Association's Commission on Dental Accreditation.

(c) Dental hygienists enrolled fulltime in an academic program directly related to dentistry/dental hygiene, including but not limited to the Alabama Dental Hygiene Program.

(d) Any dentist/dental hygienist who has permanently retired from the practice of dentistry/dental hygiene; however, if said person desires to return to the active practice of dentistry/dental hygiene, then he/she shall then be required to submit evidence to the Board of Dental Examiners of Alabama, prior to being allowed to practice, that they have attended and completed within the preceding five (5) years continuing education courses or programs which comply with these rules.

(e) Dentists/dental hygienists who are not practicing and can demonstrate to the Board of Dental Examiners of Alabama good cause for being excused from the application of these rules, such excuses including but not limited to age, disability, illness, or disease. If such person returns to the active practice of dentistry/dental hygiene, then that person shall first be required to attend and complete continuing education courses or programs that would comply with these rules in a number of hours deemed appropriate by the Board of Dental Examiners of Alabama.

(f) Any dentist/dental hygienist who fails to comply with the provisions of these rules or who otherwise violates the Alabama Dental Practice Act in connection with the requirements of these rules or relating to any information to be maintained or submitted to the Board as provided for in these rules shall be assessed a non-disciplinary administrative penalty.

Author: Board of Dental Examiners

Statutory Authority: Code of Ala. 1975, §§34-9-2, 34-9-15, 34-9-18, 34-9-43

History: Filed January 10, 1991; effective October 1, 1991.

Amended: Filed April 3, 1997; effective May 8, 1997.

Amended: Filed September 4, 1998; effective October 11, 1998. **Amended:** Filed July 11, 2003; effective August 15, 2003. **Amended:** Filed August 11, 2004; effective September 15, 2004. **Amended:** Filed February 14, 2005; effective March 21, 2005. **Amended:** Filed March 15, 2006; effective April 19, 2006. **Amended:** Filed July 29, 2008; effective September

2, 2008. **Amended:** Filed February 22, 2012; effective March 28, 2012. **Amended:** Filed May 5, 2016; effective July 1, 2016; operative October 1, 2016.

Repealed and New Rule: Filed January 16, 2019; effective March 2, 2019. **Amended:** Published February 28, 2020; effective April 13, 2020. **Amended:** Published January 31, 2023; effective October 1, 2023.