

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-.11
Rule Title: Licenses for Qualified Military Servicemembers and their Spouses.
X New 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 05/16/2023

(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-.11, Licenses for Qualified Military Servicemembers and their Spouses.

INTENDED ACTION: New rule.

SUBSTANCE OF PROPOSED ACTION:

The Board of Dental Examiners proposes a new rule to implement the requirements of Section 19 of Public Law No. 117-333, commonly known as "The Military Spouse Licensing Relief Act." This rulemaking is permissible under Section 2 of E.O. 735, because the new rule does not impose any new regulatory burdens on the public, and is needed to implement a new requirement of federal law.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested persons may submit data, views, or arguments concerning the proposed rule 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 July 5, 2023. Persons wishing to submit data, views, or comments should contact W. Blake Strickland by e-mail (blake@dentalboard.org) during the comment period. Interested persons may also present comments at a public meeting/hearing to be held on July 7, 2023. Copies of proposed rules may be obtained at the Board's web site, www.dentalboard.org.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

July 5, 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-.11. Licenses for Qualified Military Servicemembers and their Spouses.

(1) General. This Rule implements the requirements of Section 19 of Public Law No. 117-333, 50 U.S.C. § 4025A, commonly known as "The Military Spouse Licensing Relief Act." In accordance with the Act, a Service-Connected Practitioner who holds a license to practice dentistry or dental hygiene in a state other than Alabama will be granted a license to practice dentistry or dental hygiene in Alabama, subject to the conditions and procedures set forth in this Rule.

(2) Definitions. As used in this Rule:

(a) "Active Practice" shall have the meaning set forth in Rule 270-X-5-.11.

(b) "Service-Connected Practitioner" means a servicemember as defined in 50 U.S.C. § 3911(a), and the spouse of the servicemember.

(c) "Military Orders" means a Permanent Change of Station (PCS) order, or an equivalent order issued by a military authority that requires the Service-Connected Practitioner to change his or her residency.

(d) "Qualifying License" means a license to practice dentistry or dental hygiene issued by the applicable licensing authority of any of the United States other than the State of Alabama, or the District of Columbia.

(e) "Good Standing" means that the license referred to is active and is not suspended, revoked, surrendered, restricted, conditioned, under probation, or otherwise in a status that in any manner restricts the activities of the licensee under the authority of the license.

(3) Qualification for, and Grant of, License. A Service-Connected Practitioner who:

(a) holds one or more Qualifying License(s), all of which are in Good Standing;

(b) has, pursuant to the Qualifying License(s), engaged in the Active Practice of dentistry or dental hygiene for the 24 months preceding the Military Orders;

(c) because of Military Orders, relocates his or her residency from a place outside Alabama to a place within Alabama; and

(d) submits to the Executive Director a completed application, supporting documentation, and the processing fee prescribed in this Rule-

shall be issued a license to practice dentistry or dental hygiene, as applicable, in the State of Alabama.

(4) Procedure. The Executive Director shall create and publish an application form by which Service-Connected Practitioners may apply for a license under this Rule. The request form shall require the Service-Connected Practitioner to provide sufficient information to substantiate his or her eligibility for issuance of a license under this Rule. The application form may request any other information that the Executive Director reasonably considers to be relevant. In addition to the completed application form, the Service-Connected Practitioner shall provide copies of the Military Orders and all of his or her Qualifying License(s), and shall remit a one-time processing fee of \$50.00. The Executive Director shall present all completed applications to the board at a public meeting for final disposition.

(5) Scope of Practice. A Service-Connected Practitioner who is issued a license under this Rule is authorized to practice within the scope of practice for dentistry or dental hygiene, as applicable, as defined in Alabama law. For dentists, see Ala. Code § 34-9-6; for hygienists, see Rule 270-X-3-.10.

(6) Submission to Jurisdiction. A Service-Connected Practitioner who is issued a license under this Rule shall be subject to the regulatory and disciplinary jurisdiction of the Board.

(7) Continuing Education. A Service-Connected Practitioner who is issued a license under this Rule shall comply with the continuing education requirements imposed by Ala. Code § 34-9-15(b) and Rule 270-X-4-.04.

(8) Other Requirements. This Rule does not fulfill, or excuse the Service-Connected Practitioner from, any applicable requirement to obtain a DEA registration for an Alabama location pursuant to 21 C.F.R. § 1301.12, an Alabama Controlled Substances Certificate pursuant to Ala. Code § 20-2-50, et seq., anesthesia permits pursuant to Ala. Code § 34-9-60, et seq., or any other applicable license, permit, fee, tax, or assessment.

(9) Automatic Termination of License. A license issued under this Rule shall terminate automatically and immediately, by operation of law, upon the occurrence of any one or more of the following events or conditions:

(a) If any Qualifying License held by the Service-Connected Practitioner ceases to be in Good Standing (except for a Qualifying License that becomes inactive because of voluntary surrender, voluntary non-renewal, or similar voluntary actions taken for non-disciplinary reasons while the Service-Connected Practitioner is not under investigation for any violation of professional standards or duties, as long as the Service-Connected Practitioner continues to hold one or more Qualifying License(s));

(b) If the Service-Connected Practitioner moves his or her residence out of the State of Alabama; or

(c) In the case of a Service-Connected Practitioner who is a spouse of a servicemember as defined in 50 U.S.C. § 3911(a), if the Service-Connected Practitioner and the servicemember cease to be legally married.

(10) Annual Registration. Between September 1 and September 30 of each calendar year, each Service-Connected Practitioner who holds a license issued pursuant to this Rule shall complete the annual registration process outlined in Ala. Code § 34-9-15(a), including the payment of the applicable annual registration fee. As part of the annual registration process, each Service-Connected Practitioner who holds a license issued pursuant to this Rule shall be required to verify that he or she still meets all of the criteria outlined in subsections (3) (a)-(c) of this Rule.

Author: Board of Dental Examiners of Alabama

Statutory Authority: 50 U.S.C. § 4025A; Code of Ala. 1975, § 34-9-43(a) (10).

History: New rule filed _____, 2023; effective _____, 2023.