By Representative Lipscomb

RFD: Boards, Agencies and Commissions

First Read: 11-Apr-23

2023 Regular Session
Enrolled, An Act,


BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:


"§34-9-1

For the purposes of this chapter, the following terms shall have the respective meanings ascribed by this section:

(1) ADMINISTER. When used in reference to a controlled substance, the direct application of a controlled substance to the body of a patient by a dentist, by injection, inhalation, ingestion, or other means.

(2) ANNUAL REGISTRATION. The documentary evidence that the board has renewed the authority of the licensee to practice dentistry or dental hygiene in this state.

(3) BOARD. The Board of Dental Examiners of Alabama.

(4) COMMERCIAL DENTAL LABORATORY. A technician or group of technicians available to any or all licensed dentists for construction or repair of dental appliances.

(5) DISPENSE. When used in reference to a controlled
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substance, the delivery of a controlled substance to a patient by a dentist, including the prescribing and administering of a controlled substance.

*GENERAL ANESTHESIA.* A controlled state of unconsciousness, accompanied by a partial or complete loss of protective reflexes, including inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic method.

*INFILTRATION ANESTHESIA.* A form of local anesthesia wherein the terminal or peripheral sensory portion of either the maxillary or mandibular branch of the trigeminal nerve endings are anesthetized by injecting a solution submucosally into an intra-oral circumscribed area for the relief or prevention of pain.

*LICENSE.* The grant of authority by the board to a person to engage in the practice of dentistry or dental hygiene.

*LICENSE CERTIFICATE.* The documentary evidence under seal of the board that the board has granted authority to the licensee to practice dentistry or dental hygiene in this state.

*LICENSED DENTIST.* A dentist who holds a current license certificate from the board.

*LICENSED HYGIENIST.* A hygienist who holds a current license certificate from the board.

*LOCAL ANESTHESIA.* The elimination of sensations, especially pain in one part of the body by topical
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application or regional injection of a drug.

\[\text{+11\textsuperscript{(13)}}\] PATIENT ABANDONMENT. The termination of dental treatment without giving the patient adequate notice of at least 15 days before the termination of dental treatment. Adequate notice includes informing the patient of the availability of emergency treatment and providing the patient with an opportunity to obtain the services of another dentist during the notice period. Abandonment may also occur if the dentist jeopardizes the health of the patient during the termination process.

\[\text{+12\textsuperscript{(14)}}\] PRACTICE OF DENTISTRY ACROSS STATE LINES.

a. The practice of dentistry as defined in Section 34-9-6 as it applies to the following:

1. The rendering of a written or otherwise documented professional opinion concerning the diagnosis or treatment of a patient located within this state by a dentist located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to the dentist or his or her agent.

2. The rendering of treatment to a patient located within this state by a dentist located outside this state as a result of transmission of individual patient data by electronic or other means from this state to the dentist or his or her agent.

3. The holding of himself or herself out as qualified to practice dentistry, or use any title, word, or abbreviation to indicate or induce others to believe that he or she is licensed to practice dentistry across state lines.
b. This definition is not intended to include an informal consultation between a licensed dentist located in this state and a dentist located outside this state provided that the consultation is conducted without compensation or the expectation of compensation to either dentist, and does not result in the formal rendering of a written or otherwise documented professional opinion concerning the diagnosis or treatment of a patient by the dentist located outside the state.

\[13\](15) PRIVATE TECHNICIAN. A technician employed by a dentist or group of dentists for a specified salary.

\[14\](16) SEDATION. A depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command, produced by a pharmacologic method."

"§34-9-5

Any person individual who shall engage engages in the practice of dentistry across state lines or practice dentistry or dental hygiene in this state within the meaning of this chapter without having first obtained from the board a license and an annual registration certificate, when the certificate is required by this chapter, or who violates this chapter, or who willfully violates any published rule or regulation of the board, or who does any act described in this chapter as unlawful, the penalty for which is not herein specifically provided, to practice dentistry shall be guilty of a
misdemeanor and upon conviction shall be punished by a fine of not more than five thousand dollars ($5,000) for each offense, to be fixed by the court trying the case, and in addition thereto may be, in the discretion of the court, sentenced to hard labor for the county for a period not to exceed 12 months Class C felony and shall be punished as prescribed by law."

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(a) (1) Every person individual who desires to practice dentistry within the State of Alabama shall file an application accompanied by the appropriate fee prescribed by the board.

(2) Notwithstanding the any particular requirement or method of obtaining licensure or any particular requirement set forth herein, every person as a prerequisite to licensure applicant shall be at least 19 years of age, of good moral character, a citizen of the United States or, if not a citizen of the United States, a person an individual who is legally present in the United States with appropriate documentation from the federal government, and a graduate of a dental school or college accredited by the American Dental Association Commission on Dental Accreditation and approved by the board, and shall satisfy any other requirement set forth in any rule adopted by the board.

(3) The board may issue a license to practice dentistry to any applicant who meets the licensure requirements set forth in this chapter and the applicable rules of the board, and may refrain from issuing a license to any applicant if the board determines that doing so would be inconsistent with the
public interest and the promotion of public health and safety.

(b) Licensure by examination shall be applicable to the following categories:

(1) Those individuals—An applicant who have has never been licensed or taken an examination and whose application to take an examination administered or approved by the board is received by the board within 18 months of graduation from dental school or completion of an accredited or approved post-doctoral residency program.

(2) Those individuals—An applicant who has successfully passed an examination approved but not administered by the board so long as an application for licensure is received by the board within five years of the date of notification of passing such examination. All applicants shall pay a fee which shall accompany the application.

(c) Any individual applicant who possesses a current license in any state, who has passed an examination approved by the board and who has, since graduation from dental or dental hygiene school, practiced or participated in a clinical residency or practiced dentistry or dental hygiene in the Armed Forces or with the public health service shall be eligible for licensure if his or her application is received by the board within five years of the completion of the subject residency or Armed Forces or public health service commitment. All the above applicants shall pay a fee which shall accompany the application.

(d) Licensure by credentials may be utilized to
evaluate the theoretical knowledge and clinical skill of a dentist or dental hygienist when an applicant for licensure by credentials holds a dental or dental hygiene license in another state. The board may promulgate rules and regulations relating to licensure by credentials in addition to any requirements by law. An applicant for licensure by credentials shall satisfy all of the following:

1. The dentist or dental hygienist shall have been engaged in the active practice of clinical dentistry or clinical dental hygiene or in full-time dental or dental hygiene education for the five years or 5,000 hours immediately preceding his or her application.

2. The applicant shall hold a current, valid, unrevoked, and unexpired license in a state having examination standards regarded by the board as an equivalent to the Alabama standards.

3. The board of examiners in the state of current practice shall verify or endorse that the applicant's license is licensed in good standing without any restrictions, as verified by the board of examiners in the state of current practice.

4. The dentist or dental hygienist shall not be the subject of a pending disciplinary action in any state in which the individual he or she has been licensed which shall be verified by a query to the National Practitioner Data Bank, the Health Integrity Protection Data Bank, the American Association of Dental Boards Clearing House for Disciplinary
Information, or any other pertinent bank currently existing or which may exist in the future.

(5) The applicant shall provide a written statement agreeing to be interviewed at the request of the board.

(6) The individual shall successfully pass a written jurisprudence examination.

(7) There shall be certification from the United States Drug Enforcement Administration and from the state board of any state in which the applicant or has been licensed that the DEA registration is not the subject of any pending disciplinary action or enforcement proceeding of any kind.

(8) a. The dentist applicant shall submit affidavits as a dentist applicant from two licensed dentists practicing in the same geographical area where the applicant is then practicing or teaching attesting to the moral character, standing, and ability of the applicant.

b. The dental hygiene applicant shall submit affidavits as a dental hygienist applicant from two licensed dentists or two licensed dental hygienists, or any combination of two thereof, practicing in the same geographical area where the applicant or is then practicing or teaching, attesting to the moral character, standing, and ability of the applicant.

(9) The applicant shall provide the board with an official transcript with school seal from the school of dentistry or school of dental hygiene which issued the
(10) The applicant shall be a graduate of a dental or dental hygiene school, college, or educational program approved by the board.

(11) The applicant shall not be the subject of any pending or final action from any hospital revoking, suspending, limiting, modifying, or interfering with any clinical or staff privileges.

(12) The applicant shall not have been convicted of a felony or misdemeanor involving moral turpitude or of any law dealing with the administering or dispensing of legend drugs, including controlled substances.

(13) The board may consider or require any other criteria required by the board by rule, including, but not limited to, any of the following:

a. Questioning under oath.

b. Results of peer review reports from constituent dental societies or federal dental services.

c. Substance abuse testing or treatment.

d. Background checks for criminal or fraudulent activities.

e. Participation in continuing education.

f. A current certificate in cardiopulmonary resuscitation.

g. Recent case reports or oral defense of diagnosis and treatment plans.
h. Proof of no physical or psychological impairment that would adversely affect the ability to practice dentistry or dental hygiene with reasonable skill and safety.

i. An agreement to initiate practice within the State of Alabama within a period of one year.

j. Proof of professional liability coverage and that coverage has not been refused, declined, canceled, nonrenewed, or modified.

k. Whether the applicant has been subject to any final disciplinary action in any state in which the individual he or she has been licensed which shall be verified by a query in the National Practitioner Data Bank, the Health Integrity Protection Data Bank, the American Association of Dental Boards Clearing House for Disciplinary Information, any state where the applicant has been licensed, or any other pertinent bank currently existing or which may exist in the future.

l. Whether the applicant's DEA registration or any state controlled substances permit has ever been revoked, suspended, modified, restricted, or limited in any way. Provided, however, that any discipline that results only from a failure to timely renew a registration or permit shall not prevent an applicant him or her from being eligible for this method of licensure.

(14)(e) If all criteria and requirements are satisfied and the board determines, after notice and a hearing, that the individual applicant committed fraud or in any way falsified any information in the application process, the license may be revoked by the board.
(f) In addition to the requirements for applicants seeking licensure by credentials, an applicant desiring to practice a specialty only shall satisfy the following requirements:

1. The specialty shall be one in a branch of dentistry approved by the board.

2. The applicant shall satisfy the existing educational requirements and standards set forth by the board for that approved specialty.

3. An applicant who chooses to announce or practice a specialty shall limit his or her practice exclusively to the announced special area or areas of dental practice.

4. If an applicant who is initially licensed by credentials for a specialty practice decides to renounce his or her specialty and practice general dentistry, and the license originally issued did not require a general dental license but rather a specialty license, or if the applicant originally passed only a specialty examination, the applicant may not practice general dentistry until he or she successfully passes the board's regular general dentistry examination. However, if the applicant has passed a general dentistry examination or holds a general dentistry license, was practicing a specialty, and then decides not to continue that specialty but to practice only general dentistry, the applicant is eligible for licensure by credentials as a general dentist.

(g)(1) Notwithstanding the provisions of subsection (a), the board shall issue a special purpose license to
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practice dentistry across state lines to an applicant who has met the following requirements:

(1) The applicant holds a full and unrestricted license to practice dentistry in any state of the United States or in territories, other than the State of Alabama, in which the individual applicant is licensed.

(2) The applicant has not had any disciplinary action or other action taken against him or her by any state or licensing jurisdiction. If there has been previous disciplinary or other action taken against the applicant, the board may issue a certificate of qualification if it finds that the previous disciplinary or other action indicates that the dentist is not a potential threat to the public.

(3) The applicant submits an application and an application fee for a certificate of qualification for a special purpose license to practice dentistry across state lines on a form provided by the board, remits an application fee in an amount established by the board, and pays a fee upon certification. All required fees shall be established by the board.

(4) A special purpose license issued by the board to practice dentistry across state lines limits the licensee solely to the practice of dentistry across state lines. The special purpose license shall be valid for a period of up to three years, shall expire on a renewal date determined by the board, and may be renewed upon receipt of a renewal fee as established by the board. Failure to renew a license according to the renewal schedule established by the board shall cause...
the special purpose license to be inactive. An applicant may reapply for a special purpose license to practice dentistry across state lines following placement of the license on inactive status. The applicant shall meet the qualifications of subsection (e) in order to be eligible for renewal of the license.

(3) Notwithstanding the provisions of this section, the board shall only issue a special purpose license to practice dentistry across state lines to an applicant whose principal practice location and license to practice are located in a state or territory of the United States whose laws permit or allow for the issuance of a special purpose license to practice dentistry across state lines or similar license to a dentist whose principal practice location and license are located in another state. It is the stated intent of this section that dentists who hold a full and current license authorizing him or her to practice in the State of Alabama shall be afforded the opportunity to obtain, on a reciprocal basis, a reciprocal license to practice dentistry across state lines in any other state or territory of the United States as a precondition to the issuance of a special purpose license as authorized by this section to a dentist licensed in the other state or territory. The board shall determine which states or territories have reciprocal licensure requirements meeting the qualifications of this section.

(h) Any individual applicant who does not qualify for licensure pursuant to any of the above subsections but who has...
passed an out-of-state examination approved by the board and possesses a current license in good standing authorizing the applicant to practice in the state of issuance another state is eligible to apply for licensure upon payment of a fee established by the board. The board shall have discretion whether to require an examination for any such individual the applicant, including the time, place, type, and content of any such the examination.

(i) A current license shall mean one in good standing authorizing the individual to practice in the state of issuance."§34-9-11

When an application and accompanying proof as are required herein under this chapter are found satisfactory, the board shall notify the applicant to appear for examination at a time and place to be fixed by the board, and each applicant shall be examined and graded by number in lieu of name. All examinations provided for in this chapter shall be approved by the board and shall be of such the type and character as to test the qualifications of the applicant to practice dentistry. It is provided, however, that the board may recognize any written parts of an examination given by the Joint Commission on National Dental Examinations in lieu of such or subject to the board examinations or subject to such examinations as the board may approve. Those found qualified by the board, consistent with Section 34-9-10(a), shall be granted a license and a license certificate which shall bear a serial number, the full name of the licensee, the
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393 date of issuance, and the seal of the board, and shall be
394 signed by each member of the board."
395
396 §34-9-15
397 (a) No individual shall practice dentistry or
dental hygiene in the State of Alabama unless licensed or
permitted by the board and registered annually as required by
this chapter.
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399 (b)(1) The secretary-treasurer of the board shall issue
to each licensee an initial registration form which shall
contain space for the insertion of name, address, date, and
number of license certificate, and other information as the
board shall deem necessary. The licensee shall sign and verify
the accuracy of the registration before a notary public after
which he or she shall forward the registration to the
secretary-treasurer of the board together with a fee. Each
subsequent registration shall be made in electronic format or
by United States mail upon a form to be determined by the
board.
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401 (2) On or before October 1 of each year, every dentist
and dental hygienist licensed or permitted to practice
dentistry or dental hygiene in the state shall transmit either
online or by United States mail to the secretary-treasurer of
the board the completed form prescribed by the board, together
with a fee established by the board pursuant to this chapter,
and receive thereafter the current annual registration
certificate authorizing him or her to continue the practice of
dentistry or dental hygiene in the state for a period of one
year. Notwithstanding Section 34-9-16, the total amount of any
administrative fines and costs assessed upon the licensee pursuant to Section 34-9-18 in a final and non-appealable order or agreement shall be added to and made a part of the fee.

(c)(1) Any license or permit previously granted under the authority of this chapter or any prior dental practice act shall automatically be suspended if the holder thereof fails to secure the annual registration certificate before January 1, each year. Any dentist or dental hygienist whose license or permit is automatically suspended by reason of failure, neglect, or refusal to secure the annual registration certificate shall be reinstated by the board upon payment of the penalty fee plus all accrued annual registration fees up to a maximum of five years, accompanied with the prescribed form for annual registration of the license or permit.

(2) Upon failure of any licensee or permittee to file application for the annual registration certificate and pay the annual registration fee on or before November 30, each year, the board shall notify the licensee or permittee by mail addressed to the last address of record that the application and fee have not been received and that, unless the application and fee are received on or before the first day of January, the license or permit shall be automatically suspended. The board shall notify the licensee or permittee by mail addressed to the last address of record of the effective date of the automatic suspension and the provisions for registration of the license or permit.

(d)(1) The board shall waive the annual payment of fees
herein provided for and issue a current annual registration certificate to any licensee or permittee who, because of age or physical disability, has retired from the practice of dentistry or dental hygiene because of age or physical disability or who is suffering a malady of a lingering or permanent nature.

(2) The board by rule shall waive annual registration and the payment of fees while any licensee is on temporary active duty with any of the Armed Forces of the United States.

(3) The waiver of fees herein provided in this subsection shall be effective so long as the retirement because of age or physical disability or temporary active duty continues.

(e) The board shall adopt and promulgate rules and regulations for the adoption of a program of continuing education for its licensees by October 1, 1991. After that date, the successful completion of continuing education program requirements shall be a requisite for renewal of licenses and permits issued pursuant to this chapter."

"§34-9-26

(a)(1) No person shall practice as a dental hygienist in this state until such person has passed an examination given by the board or approved by the board, or both, under rules and regulations as the board may promulgate and the payment of a fee he or she is duly licensed and currently registered as a dental hygienist pursuant to this chapter.

(b) The board shall issue licenses and license
certificates to practice as dental hygienists to those persons applicants who have passed the examination and have been found qualified by the board. Alternatively, the board may deny licenses or license certificates in instances where it determines that doing so would be inconsistent with the public interest and the promotion of public health and safety.

   (c) The license certificate and annual registration certificate shall be displayed in the office in which the dental hygienist is employed.

   (d) No person applicant shall be entitled to a license and license certificate unless the person he or she is 19 years of age and of good moral character.

   (e) Each applicant for examination and license as a dental hygienist shall meet either of the following requirements:

       (1) shall be a graduate of Has graduated from a school of dental hygiene which has been approved by the board, or in lieu thereof, shall have

       (2) Has served as a dental assistant for a period of time established by board rule and shall have served at least one year as a dental hygienist trainee under a training permit issued by the board to a qualified dentist practicing in this state in accordance with the dental hygienist training program established by the board.

   (f) Any person practicing in violation of this section shall be guilty of a misdemeanor, and the board may impose the penalties outlined in Section 34-9-18 for such violation.”  

"§34-9-27
(a) A dental hygienist shall work only under the direct supervision of a duly licensed dentist practicing in this state. Dental hygienists may perform any duties allowed by rule or regulation of the board and assist a licensed or permitted dentist in his or her practice.

(b) Any dental hygienist licensed by the board under this section who has completed the curriculum for dental hygienists at a dental school approved by the board shall have the right to use the title Registered Dental Hygienist or the abbreviation thereof, "R.D.H." appended to his or her name signifying the license conferred.

(c) The board may impose any of the penalties outlined in Section 34-9-18 against any dentist who shall permit any dental hygienist working under his or her supervision to perform any operation other than those permitted under this section, and may impose the penalties outlined in Section 34-9-18 against any dental hygienist who shall perform any operation other than those permitted under this section.

"§34-9-43
(a) The board shall exercise, subject to this chapter, the following powers and duties:
(1) Adopt rules for its government as deemed necessary and proper.
(2) Prescribe rules for qualification and licensing of dentists and dental hygienists.
(3) Conduct or participate in examinations to ascertain
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the qualification and fitness of applicants for licenses as
dentists and dental hygienists.

(4) Make Adopt rules and regulations regarding
sanitation.

(5) Formulate Adopt rules and regulations by which
dental schools and colleges are approved, and formulate adopt
rules and regulations by which training, educational,
technical, vocational, or any other institution which that
provides instruction for dental assistants, dental laboratory
technicians, or any other paradoental personnel are approved.

(6) Grant or deny licenses, issue license certificates,
teaching permits, and annual registration certificates in
conformity with this chapter to such qualified dentists and
dental hygienists.

(7) Conduct hearings or proceedings to impose the
penalties specified in Section 34-9-18.

(8)a. Employ necessary persons individuals to assist in
performing its duties in the administration and enforcement of
this chapter, and to provide offices, furniture, fixtures,
supplies, printing, or secretarial service to these persons
and expend necessary funds.

b. Employ an attorney or attorneys, subject to the
approval of the Attorney General, to advise and assist in the
carrying out and enforcing of the provisions of this chapter.
Provided, however, that if the board contracts with an outside
attorney to be general counsel to the board, that attorney or
any member of a law firm with which he or she is associated
shall not function as the board's prosecutor at disciplinary
hearings.

(9) a. Investigate alleged violations of this chapter and institute or have instituted before the board or the proper court appropriate proceedings regarding the violation.

               b. Authorize and employ investigators who comply with the Alabama Peace Officers' Minimum Standards and Training Act to exercise the powers of a peace officer in investigating alleged violations of the drug or controlled substances laws by persons licensed pursuant to this chapter, including the powers of arrest and inspection of documents.

(10) Adopt rules and regulations to implement this chapter.

(11) Publish, on a quarterly basis, all minutes, except minutes of executive sessions, financial reports, schedules of meetings, including anticipated executive sessions, and other pertinent information on the board's website no later than 90 days following the date of occurrence. In addition, publish or post annually the rules and regulations promulgated adopted by the board, a copy of the Dental Practice Act, and a list of all persons licensed to practice under this chapter.

(12) Attend meetings, seminars, workshops, or events that may improve the function and efficiency of the board or improve the ability of the board to enforce and administer this chapter.

(b) The board, in exercising its powers and duties, shall adhere to guidelines and proceedings of the State Ethics Commission as provided in Chapter 25 of Title 36. The board
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may adopt rules for the purpose of establishing additional
ethical guidelines."

"§34-9-60

Any individual licensed or permitted to practice
dentistry in the State of Alabama shall be authorized to use
anesthesia in accordance with the provisions of this
section. All of the following:

(1) All dentists are authorized to use local
anesthesia.

(2) Twelve months after May 29, 1985, no dentist shall
use general anesthesia on an outpatient basis for dental
patients, unless such dentist possesses a permit of
authorization issued by the Board of Dental Examiners.

a. In order to receive such the permit, the dentist
must apply on a prescribed application form to the Board of
Dental Examiners, submit an application fee, and produce
evidence showing that he or she meets all of the following
requirements:

1. Has completed a minimum of one year of advanced
training in anesthesiology and related academic subjects (or
its equivalent) beyond the undergraduate dental school level
in a training program as described in Part II of the
guidelines for teaching the comprehensive control of pain and
anxiety in dentistry; or

2. Is a diplomate of the American Board of Oral and
Maxillofacial Surgery, or is eligible for examination by the
American Board of Oral and Maxillofacial Surgery, or is a
member of the American Association of Oral and Maxillofacial
3. Employs or works in conjunction with a qualified medical doctor—licensed physician who is a member of the anesthesiology staff in an accredited hospital, provided that such anesthesiologist must remain on the premises of the dental facility until any patient given a general anesthetic regains consciousness and is discharged; and

4. Has a properly equipped facility for the administration of general anesthesia staffed with a supervised team of auxiliary personnel capable of reasonably assisting the dentist with procedures, problems, and emergencies incident thereto. Adequacy of the facility and competence of the anesthesia team shall be determined by the Board of Dental Examiners as outlined below in paragraph b.

5. Possesses current training in Advanced Cardiac—Cardiovascular Life Support (ACLS), and basic life support certification. Auxiliary personnel have successfully completed training in Basic Life Support (BLS).

b. Prior to the issuance of such the permit, the Board of Dental Examiners, at its discretion, may require an on-site inspection of the facility, equipment, and personnel to determine if, in fact, the aforementioned requirements in paragraph a. have been met. This evaluation shall be carried out in a manner prescribed by the board. The evaluation shall be conducted by a team of three examiners appointed by the Board of Dental Examiners. These examiners shall be dentists who are authorized to administer general
The team of examiners shall consist of at least one licensed dentist who holds a general anesthesia permit and at least two other persons as prescribed by the board pursuant to its rules. If the results of the initial evaluation are deemed unsatisfactory, the applicant may reapply for a permit subject to the correction of the deficiencies outlined in the original evaluation.

(3) Each dentist who is licensed to practice dentistry in the state on May 29, 1985, who desires to continue to use general anesthesia shall make application on the prescribed form to the Board of Dental Examiners board within 12 months of May 29, 1985. If he or she meets the requirements of this section, he or she shall be issued such a permit. If the applicant does not meet the requirements of paragraph a. of subdivision (2)a. of this section, he or she may be entitled to a "general anesthesia permit" provided said applicant passes to the satisfaction of the board an on-site inspection as provided for in paragraph b. of subdivision (2) of this section.(2)b.

(4) Each dentist who has not been using general anesthesia prior to May 29, 1985, may be granted by the board a temporary provisional permit based on the applicant's producing evidence that he or she has complied with paragraph a. of subdivision (2) of this section above pending complete processing of the application and thorough investigation of an on-site evaluation as described in paragraph b. of subdivision (2) of this section."

"§34-9-63
(a) The issuance of a permit for general anesthesia shall include the privilege of administering parenteral sedation in accordance with this section. The issuance of a permit for parenteral sedation shall include the privilege of administering intravenous sedation. All current intravenous sedation permit holders are entitled to a parenteral sedation permit subject to the renewal and regulatory provisions afforded to the Board of Dental Examiners by requirements and board rules adopted by the board pursuant to this chapter. The term "parenteral sedation" shall not include the use or regulation of nitrous oxide.

(b)(1) No dentist shall use parenteral sedation on an outpatient basis for dental patients unless the dentist possesses a permit of authorization issued by the board. The dentist applying for or holding the permit shall be subject to on-site inspections as provided in paragraph b. of subdivision (2)b. of Section 34-9-60.

(2) In order to receive the permit, the dentist shall meet all of the following requirements:

1. Apply on a prescribed application form to the board.

2. Submit a fee.

3. Produce evidence showing that he or she has satisfied each of the following requirements:

   1. Received formal training in the use of parenteral sedation from a board approved training program, is competent to handle all emergencies relating to parenteral sedation, and is currently certified in cardiopulmonary resuscitation.
certification of the formal training shall specify the total number of hours, the number of didactic hours, and the number of patient contact hours. The required number of didactic hours and patient contact hours shall be determined by the board.

(ii) Equipped a proper facility for the administration of parenteral sedation, staffed with a supervised team of auxiliary personnel capable of reasonably assisting the dentist with procedures, problems, and emergencies incident to the sedation procedure.

 Adequacy of the facility and the competency of the sedation team shall be determined by the board.

(4) Prior to the issuance of a permit, the board may require an on-site inspection of the facility, equipment, and personnel to determine if the requirements of this section have been met. This evaluation shall be performed as provided in subdivision (2) of this section.

 Each dentist who is licensed to practice dentistry in the state and who desires to continue to use parenteral sedation shall make application to the board on the prescribed form. If he or she meets the requirements of this section, or currently holds a valid intravenous sedation permit, he or she shall be issued such a permit subject to all renewal and regulatory requirements of Section 34-9-64. If the applicant does not meet the requirements of paragraph a. of subdivision (1) of this section, subdivision (b)(2), or does not currently hold a valid intravenous sedation permit, he or she may be entitled to a
"parenteral sedation permit" if the applicant passes, to the satisfaction of the board, an on-site inspection to the board's satisfaction. The inspection shall ascertain that whether the dentist has a properly equipped facility for the administration of parenteral sedation, staffed with a supervised team of auxiliary personnel capable of reasonably assisting the dentist with incidental procedures, problems, and emergencies.

The board, in (2) In conducting the on-site inspection and evaluations required in this section, subsection, the board shall appoint a team of up to three examiners who shall be dentists certified to administer parenteral sedation in accordance with this article. The team of examiners shall consist of at least one licensed dentist who holds a parenteral sedation permit and at least two other persons as prescribed by the board pursuant to its rules.

(3) A dentist utilizing parenteral sedation and the auxiliary personnel of the dentist shall be currently certified in cardiopulmonary resuscitation and the dentist shall be trained in advanced cardiovascular life support (d) A dentist utilizing parenteral sedation shall have successfully completed training in Advanced Cardiovascular Life Support (ACLS), and his or her auxiliary personnel shall have successfully completed training in Basic Life Support (BLS).

(e) Each dentist who has not been using parenteral sedation, pending complete processing of an application and a thorough on-site evaluation, may be granted one temporary provisional permit by the board at a time, if the applicant
produces evidence that he or she has complied with this
section."

"§34-9-86

The board, prior to issuance of a permit for oral
conscious sedation, the board may require an on-site
inspection of the personnel, the facility, and the equipment
to determine if the requirements of this article have been
met. The inspection team shall be determined by the board and
shall reflect the principles of peer review. The on-site
inspection shall be conducted by an investigator employed by
the board pursuant to Section 34-9-3 or by such other
individuals as prescribed by the board pursuant to its rules."

Section 2. This act shall become effective on the first
day of the third month following its passage and approval by
the Governor, or its otherwise becoming law.
HB285 Enrolled

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 18-May-23, as amended.

John Treadwell
Clerk

Sen.

25-May-23

Passed

APPROVED
6-1-2023

TIME
9:00 AM

Kay Ivey

GOVERNOR

Alabama Secretary Of State
Act Num.: 2023-362
Bill Num.: H-285

Rec'd 05/01/23 11:37amSLF
I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED, AND IS ATTACHED TO THE BILL, H.B. 285

YEAS 100  NAYS 0

JOHN TREADWELL, Clerk


JOHN TREADWELL, Clerk

CONFERENCE COMMITTEE

House Conferees ________________________________ ________________________________ ________________________________ ________________________________

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 285

YEAS 30  NAYS 0

PATRICK HARRIS, Secretary