



ACT #2023 - 362

- 1 PZ5TGR-3
- 2 By Representative Lipscomb
- 3 RFD: Boards, Agencies and Commissions
- 4 First Read: 11-Apr-23
- 5 2023 Regular Session





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1 Enrolled, An Act,

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3 Relating to the practice of dentistry and dental
4 hygiene; to amend Sections 34-9-1, 34-9-5, 34-9-10, 34-9-11,
5 34-9-15, 34-9-26, 34-9-27, 34-9-43, 34-9-60, 34-9-63, and
6 34-9-86, Code of Alabama 1975; to further provide for
7 penalties for violations; and qualifications for licensure and
8 administration of controlled substances by dentists and dental
9 hygienists.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Sections 34-9-1, 34-9-5, 34-9-10, 34-9-11,
12 34-9-15, 34-9-26, 34-9-27, 34-9-43, 34-9-60, 34-9-63, and
13 34-9-86, Code of Alabama 1975, are amended to read as follows:

14 "§34-9-1

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

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

21 ~~(1)~~ (2) ANNUAL REGISTRATION. The documentary evidence
22 that the board has renewed the authority of the licensee to
23 practice dentistry or dental hygiene in this state.

24 ~~(2)~~ (3) BOARD. The Board of Dental Examiners of Alabama.

25 ~~(3)~~ (4) COMMERCIAL DENTAL LABORATORY. A technician or
26 group of technicians available to any or all licensed dentists
27 for construction or repair of dental appliances.

28 (5) DISPENSE. When used in reference to a controlled



29 substance, the delivery of a controlled substance to a patient
30 by a dentist, including the prescribing and administering of a
31 controlled substance.

32 ~~(4)~~ (6) GENERAL ANESTHESIA. A controlled state of
33 unconsciousness, accompanied by a partial or complete loss of
34 protective reflexes, including inability to independently
35 maintain an airway and respond purposefully to physical
36 stimulation or verbal command, produced by a pharmacologic
37 method.

38 ~~(5)~~ (7) INFILTRATION ANESTHESIA. A form of local
39 anesthesia wherein the terminal or peripheral sensory portion
40 of either the maxillary or mandibular branch of the trigeminal
41 nerve endings are anesthetized by injecting a solution
42 submucosally into an intra-oral circumscribed area for the
43 relief or prevention of pain.

44 ~~(6)~~ (8) LICENSE. The grant of authority by the board to
45 a person to engage in the practice of dentistry or dental
46 hygiene.

47 ~~(7)~~ (9) LICENSE CERTIFICATE. The documentary evidence
48 under seal of the board that the board has granted authority
49 to the licensee to practice dentistry or dental hygiene in
50 this state.

51 ~~(8)~~ (10) LICENSED DENTIST. A dentist who holds a current
52 license certificate from the board.

53 ~~(9)~~ (11) LICENSED HYGIENIST. A hygienist who holds a
54 current license certificate from the board.

55 ~~(10)~~ (12) LOCAL ANESTHESIA. The elimination of
56 sensations, especially pain in one part of the body by topical



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57 application or regional injection of a drug.

58 ~~(11)~~ (13) PATIENT ABANDONMENT. The termination of dental
59 treatment without giving the patient adequate notice of at
60 least 15 days before the termination of dental treatment.
61 Adequate notice includes informing the patient of the
62 availability of emergency treatment and providing the patient
63 with an opportunity to obtain the services of another dentist
64 during the notice period. Abandonment may also occur if the
65 dentist jeopardizes the health of the patient during the
66 termination process.

67 ~~(12)~~ (14) PRACTICE OF DENTISTRY ACROSS STATE LINES.

68 a. The practice of dentistry as defined in Section
69 34-9-6 as it applies to the following:

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

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

81 3. The holding of himself or herself out as qualified
82 to practice dentistry, or use any title, word, or abbreviation
83 to indicate or induce others to believe that he or she is
84 licensed to practice dentistry across state lines.



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85 b. This definition is not intended to include an
86 informal consultation between a licensed dentist located in
87 this state and a dentist located outside this state provided
88 that the consultation is conducted without compensation or the
89 expectation of compensation to either dentist, and does not
90 result in the formal rendering of a written or otherwise
91 documented professional opinion concerning the diagnosis or
92 treatment of a patient by the dentist located outside the
93 state.

94 ~~(13)~~ (15) PRIVATE ~~TECHNICIANS~~ TECHNICIAN. A technician
95 employed by a dentist or group of dentists for a specified
96 salary.

97 ~~(14)~~ (16) SEDATION. A depressed level of consciousness
98 that retains the patient's ability to independently and
99 continuously maintain an airway and respond appropriately to
100 physical stimulation or verbal command, produced by a
101 pharmacologic method."

102 "§34-9-5

103 Any ~~person~~ individual who ~~shall engage~~ engages in the
104 practice of dentistry ~~across state lines or practice dentistry~~
105 ~~or dental hygiene~~ in this state within the meaning of this
106 chapter without having first obtained from the board a license
107 ~~and an annual registration certificate, when the certificate~~
108 ~~is required by this chapter, or who violates this chapter, or~~
109 ~~who willfully violates any published rule or regulation of the~~
110 ~~board, or who does any act described in this chapter as~~
111 ~~unlawful, the penalty for which is not herein specifically~~
112 ~~provided,~~ to practice dentistry shall be guilty of a



113 ~~misdemeanor and upon conviction shall be punished by a fine of~~
114 ~~not more than five thousand dollars (\$5,000) for each offense,~~
115 ~~to be fixed by the court trying the case, and in addition~~
116 ~~thereto may be, in the discretion of the court, sentenced to~~
117 ~~hard labor for the county for a period not to exceed 12 months~~
118 Class C felony and shall be punished as prescribed by law."

119 "§34-9-10

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

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

136 (3) The board may issue a license to practice dentistry
137 to any applicant who meets the licensure requirements set
138 forth in this chapter and the applicable rules of the board,
139 and may refrain from issuing a license to any applicant if the
140 board determines that doing so would be inconsistent with the



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141 public interest and the promotion of public health and safety.

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

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

150 (2) ~~These individuals~~ An applicant who ~~have~~ has
151 successfully passed an examination approved but not
152 administered by the board so long as an application for
153 licensure is received by the board within five years of the
154 date of notification of passing ~~such~~ the examination. ~~All~~
155 ~~applicants shall pay a fee which shall accompany the~~
156 ~~application.~~

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

168 (d) Licensure by credentials may be utilized to



169 evaluate the theoretical knowledge and clinical skill of a
170 dentist or dental hygienist when an applicant for licensure by
171 credentials holds a dental or dental hygiene license in
172 another state. The board may ~~promulgate~~ establish rules and
173 ~~regulations~~ relating to licensure by credentials in addition
174 to any requirements by law. ~~An~~ The dentist or dental hygienist
175 applicant for licensure by credentials shall satisfy all of
176 the following:

177 (1) ~~The dentist or dental hygienist shall have~~ Has been
178 engaged in the active practice of clinical dentistry or
179 clinical dental hygiene or in full-time dental or dental
180 hygiene education for the five years or 5,000 hours
181 immediately preceding his or her application.

182 (2) ~~The applicant shall hold~~ Holds a current, valid,
183 unrevoked, and unexpired license in a state having examination
184 standards regarded by the board as an equivalent to the
185 Alabama standards.

186 (3) ~~The board of examiners in the state of current~~
187 ~~practice shall verify or endorse that the applicant's license~~
188 is Is licensed in good standing without any restrictions, as
189 verified by the board of examiners in the state of current
190 practice.

191 (4) ~~The dentist or dental hygienist shall~~ Is not be the
192 subject of a pending disciplinary action in any state in which
193 ~~the individual~~ he or she has been licensed ~~which shall be~~
194 verified by a query to the National Practitioner Data Bank,
195 the Health Integrity Protection Data Bank, the American
196 Association of Dental Boards Clearing House for Disciplinary



197 Information, or any other pertinent bank currently existing or
198 which may exist in the future.

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

202 ~~(6) The individual shall successfully pass~~ Passes a
203 written jurisprudence examination.

204 ~~(7) There shall be certification from~~ Is certified by
205 the United States Drug Enforcement Administration and from the
206 state board of any state in which ~~the applicant~~ he or she is
207 or has been licensed that the DEA registration is not the
208 subject of any pending disciplinary action or enforcement
209 proceeding of any kind.

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

215 ~~b. The dental hygiene applicant shall submit~~ Submits
216 affidavits as a dental hygienist applicant from two licensed
217 dentists or two licensed dental hygienists, or any combination
218 of two thereof, practicing in the same geographical area where
219 ~~the applicant~~ he or she is then practicing or teaching,
220 attesting to ~~the~~ his or her moral character, standing, and
221 ability ~~of the applicant~~.

222 ~~(9) The applicant shall provide~~ Provides the board with
223 an official transcript with school seal from the school of
224 dentistry or school of dental hygiene ~~which~~ that issued the



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225 ~~applicant's~~ his or her professional degree, or ~~execute~~
226 executes a request and authorization allowing the board to
227 obtain the transcript.

228 (10) ~~The applicant shall be~~ Is a graduate of a dental
229 or dental hygiene school, college, or educational program
230 approved by the board.

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

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

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

242 a. Questioning under oath.

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

245 c. Substance abuse testing or treatment.

246 d. Background checks for criminal or fraudulent
247 activities.

248 e. Participation in continuing education.

249 f. A current certificate in cardiopulmonary
250 resuscitation.

251 g. Recent case reports or oral defense of diagnosis and
252 treatment plans.



253 h. Proof of no physical or psychological impairment
254 that would adversely affect the ability to practice dentistry
255 or dental hygiene with reasonable skill and safety.

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

258 j. Proof of professional liability coverage and that
259 coverage has not been refused, declined, ~~cancelled~~canceled,
260 nonrenewed, or modified.

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

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

276 ~~(14)~~ (e) If all criteria and requirements are satisfied
277 and the board determines, after notice and a hearing, that the
278 ~~individual applicant~~ committed fraud or in any way falsified
279 any information in the application process, the license may be
280 revoked by the board.



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281 ~~(15)~~ (f) In addition to the requirements for applicants
282 seeking licensure by credentials, an applicant desiring to
283 practice a specialty only shall satisfy the following
284 requirements:

285 ~~a.~~ (1) The specialty shall be one in a branch of
286 dentistry approved by the board.

287 ~~b.~~ (2) The applicant shall satisfy the existing
288 educational requirements and standards set forth by the board
289 for that approved specialty.

290 ~~c.~~ (3) An applicant who chooses to announce or practice
291 a specialty shall limit his or her practice exclusively to the
292 announced special area or areas of dental practice.

293 ~~d.~~ (4) If an applicant who is initially licensed by
294 credentials for a specialty practice decides to renounce his
295 or her specialty and practice general dentistry, and the
296 license originally issued did not require a general dental
297 license but rather a specialty license, or if the applicant
298 originally passed only a specialty examination, the applicant
299 may not practice general dentistry until he or she
300 successfully passes the board's regular general dentistry
301 examination. However, if the applicant ~~has~~ passed a general
302 dentistry examination or ~~has~~ holds a general dentistry
303 license, ~~was practicing~~ practices a specialty, ~~and then~~
304 decides not to continue that specialty ~~and~~ but to practice
305 only general dentistry, the applicant is eligible for
306 licensure by credentials as a general dentist.

307 ~~(e)~~ (g) (1) Notwithstanding ~~the provisions of~~ subsection
308 (a), the board shall issue a special purpose license to



309 practice dentistry across state lines to an applicant who has
310 met the following requirements:

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

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

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

329 ~~(f)~~(2) A special purpose license issued by the board to
330 practice dentistry across state lines limits the licensee
331 solely to the practice of dentistry across state lines. The
332 special purpose license shall be valid for a period of up to
333 three years, shall expire on a renewal date determined by the
334 board, and may be renewed upon receipt of a renewal fee as
335 established by the board. Failure to renew a license according
336 to the renewal schedule established by the board shall cause



337 the special purpose license to be inactive. An applicant may
338 reapply for a special purpose license to practice dentistry
339 across state lines following placement of the license on
340 inactive status. The applicant shall meet the qualifications
341 of subsection (e) in order to be eligible for renewal of the
342 license.

343 ~~(g)~~ (3) Notwithstanding the provisions of this section,
344 the board shall only issue a special purpose license to
345 practice dentistry across state lines to an applicant whose
346 principal practice location and license to practice are
347 located in a state or territory of the United States whose
348 laws permit or allow for the issuance of a special purpose
349 license to practice dentistry across state lines or similar
350 license to a dentist whose principal practice location and
351 license are located in another state. It is the stated intent
352 of this section that dentists who hold a full and current
353 license authorizing him or her to practice in the State of
354 Alabama shall be afforded the opportunity to obtain, ~~on a~~
355 ~~reciprocal basis,~~ a reciprocal license to practice dentistry
356 across state lines in any other state or territory of the
357 United States as a precondition to the issuance of a special
358 purpose license as authorized by this section to a dentist
359 licensed in the other state or territory. The board shall
360 determine which states or territories have reciprocal
361 licensure requirements meeting the qualifications of this
362 section.

363 (h) Any ~~individual~~ applicant who does not qualify for
364 licensure pursuant to any of the above subsections but who has



365 passed an out-of-state examination approved by the board and
366 possesses a ~~current~~ license in good standing authorizing the
367 applicant to practice in the state of issuance ~~another state~~
368 is eligible to apply for licensure upon payment of a fee
369 established by the board. The board shall have discretion
370 whether to require an examination for ~~any such individual~~ the
371 applicant, including the time, place, type, and content of any
372 ~~such~~ the examination.

373 ~~(i) A current license shall mean one in good standing~~
374 ~~authorizing the individual to practice in the state of~~
375 ~~issuance."~~

376 "§34-9-11

377 When an application and accompanying proof as ~~are~~
378 required ~~herein~~ under this chapter are found satisfactory, the
379 ~~board~~ Board shall notify the applicant to appear for
380 examination at a time and place to be fixed by the board, and
381 each applicant shall be examined and graded by number in lieu
382 of name. All examinations provided for in this chapter shall
383 be approved by the board and shall be of ~~such~~ the type and
384 character as to test the qualifications of the applicant to
385 practice dentistry. ~~It is provided~~ Provided, however, ~~that~~ the
386 board may recognize any written parts of an examination given
387 by the Joint Commission on National Dental Examinations in
388 lieu of ~~such~~ or subject to the board examinations ~~or subject~~
389 ~~to such examinations~~ as the board may approve. Those found
390 qualified by the board, consistent with Section 34-9-10(a),
391 shall be granted a license and a license certificate which
392 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 "§34-9-15

396 (a) No ~~person~~ individual shall practice dentistry or
397 dental hygiene in the State of Alabama unless licensed or
398 permitted by the board and registered annually as required by
399 this chapter.

400 (b) (1) The secretary-treasurer of the board shall issue
401 to each licensee an initial registration form which shall
402 contain space for the insertion of name, address, date, and
403 number of license certificate, and other information as the
404 board shall deem necessary. The licensee shall sign and verify
405 the accuracy of the registration before a notary public after
406 which he or she shall forward the registration to the
407 secretary-treasurer of the board together with a fee. Each
408 subsequent registration shall be made in electronic format or
409 by United States mail upon a form to be determined by the
410 board.

411 (2) On or before October 1 of each year, every dentist
412 and dental hygienist licensed or permitted to practice
413 dentistry or dental hygiene in the state shall transmit either
414 online or by United States mail to the secretary-treasurer of
415 the board the completed form prescribed by the board, together
416 with a fee established by the board pursuant to this chapter,
417 and receive thereafter the current annual registration
418 certificate authorizing him or her to continue the practice of
419 dentistry or dental hygiene in the state for a period of one
420 year. Notwithstanding Section 34-9-16, the total amount of any



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421 administrative fines and costs assessed upon the licensee
422 pursuant to Section 34-9-18 in a final and non-appealable
423 order or agreement shall be added to and made a part of the
424 fee.

425 (c)(1) Any license or permit previously granted under
426 the authority of this chapter or any prior dental practice act
427 shall automatically be suspended if the holder thereof fails
428 to secure the annual registration certificate before January
429 1, each year. Any dentist or dental hygienist whose license or
430 permit is automatically suspended by reason of failure,
431 neglect, or refusal to secure the annual registration
432 certificate shall be reinstated by the board upon payment of
433 the penalty fee plus all accrued annual registration fees up
434 to a maximum of five years, accompanied with the prescribed
435 form for annual registration of the license or permit.

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

448 (d)(1) The board shall waive the annual payment of fees



449 herein provided for and issue a current annual registration
450 certificate to any licensee or permittee who, ~~because of age~~
451 ~~or physical disability,~~ has retired from the practice of
452 dentistry or dental hygiene because of age or physical
453 disability ~~or who is suffering a malady of a lingering or~~
454 ~~permanent nature.~~

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

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

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

468 "§34-9-26

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

476 (b) The board ~~shall~~ may issue licenses and license



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477 certificates to practice as dental hygienists to these
478 ~~persons~~applicants who have passed the examination and have
479 been found qualified by the board. Alternatively, the board
480 may deny licenses or license certificates in instances where
481 it determines that doing so would be inconsistent with the
482 public interest and the promotion of public health and safety.

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

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

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

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

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

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

504 "§34-9-27



505 (a) A dental hygienist ~~Dental hygienists~~ shall work
506 only under the direct supervision of a duly licensed dentist
507 practicing in this state. ~~Dental hygienists~~ A dental hygienist
508 may perform any duties allowed by rule ~~or regulation~~ of the
509 board and assist a licensed or permitted dentist in his or her
510 practice.

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

517 (c) The board may impose any of the penalties outlined
518 in Section 34-9-18 against any dentist who shall permit any
519 dental hygienist working under his or her supervision to
520 perform any operation other than those permitted under this
521 section, and may impose the penalties outlined in Section
522 34-9-18 against any dental hygienist who ~~shall perform~~
523 performs any operation other than those permitted under this
524 section."

525 "§34-9-43

526 (a) The board shall exercise, subject to this chapter,
527 the following powers and duties:

528 (1) Adopt rules for its government as deemed necessary
529 and proper.

530 (2) ~~Prescribe~~ Adopt rules for qualification and
531 licensing of dentists and dental hygienists.

532 (3) Conduct or participate in examinations to ascertain



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533 the qualification and fitness of applicants for licenses as
534 dentists and dental hygienists.

535 (4) ~~Make~~ Adopt rules and ~~regulations~~ regarding
536 sanitation.

537 (5) ~~Formulate~~ Adopt rules and ~~regulations~~ by which
538 dental schools and colleges are approved, and ~~formulate~~ adopt
539 rules and ~~regulations~~ by which training, educational,
540 technical, vocational, or any other institution ~~which~~ that
541 provides instruction for dental assistants, dental laboratory
542 technicians, or any other parodontal personnel are approved.

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

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

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

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



561 hearings.

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

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

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

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

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

586 (b) The board, in exercising its powers and duties,
587 shall adhere to guidelines and proceedings of the State Ethics
588 Commission as provided in Chapter 25 of Title 36. The board



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589 may adopt rules for the purpose of establishing additional
590 ethical guidelines."

591 "§34-9-60

592 Any ~~person~~ individual licensed or permitted to practice
593 dentistry in the State of Alabama shall be authorized to use
594 anesthesia in accordance with ~~the provisions of this~~
595 ~~section.~~ all of the following:

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

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

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

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

613 2. Is a diplomate of the American Board of Oral and
614 Maxillofacial Surgery, or is eligible for examination by the
615 American Board of Oral and Maxillofacial Surgery, or is a
616 member of the American Association of Oral and Maxillofacial



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617 Surgeons; or

618 3. Employs or works in conjunction with a ~~qualified~~
619 ~~medical doctor~~ licensed physician who is a member of the
620 anesthesiology staff in an accredited hospital, provided that
621 such anesthesiologist must remain on the premises of the
622 dental facility until any patient given a general anesthetic
623 regains consciousness and is discharged; and

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

631 5. ~~Possesses current~~ Has successfully completed
632 training in Advanced ~~Cardiac~~ Cardiovascular Life Support
633 (ACLS), ~~and basic life support certification~~ his or her
634 auxiliary personnel have successfully completed training in
635 Basic Life Support (BLS).

636 b. Prior to the issuance of ~~such~~ the permit, the ~~Board~~
637 ~~of Dental Examiners~~ board, at its discretion, may require an
638 on-site inspection of the facility, equipment, and personnel
639 to determine if, in fact, the ~~mentioned~~ requirements in
640 paragraph a. have been met. This evaluation shall be carried
641 out in a manner prescribed by the board. The evaluation shall
642 be conducted by a team of three examiners appointed by the
643 ~~Board of Dental Examiners~~ board. ~~These examiners shall be~~
644 ~~dentists who are authorized to administer general~~



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645 ~~anesthesia~~The team of examiners shall consist of at least one
646 licensed dentist who holds a general anesthesia permit and at
647 least two other persons as prescribed by the board pursuant to
648 its rules. If the results of the initial evaluation are deemed
649 unsatisfactory, the applicant may reapply for a permit subject
650 to the correction of the deficiencies outlined in the original
651 evaluation.

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

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

672 "§34-9-63



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673 (a) The issuance of a permit for general anesthesia
674 shall include the privilege of administering parenteral
675 sedation in accordance with this section. The issuance of a
676 permit for parenteral sedation shall include the privilege of
677 administering intravenous sedation. All current intravenous
678 sedation permit holders are entitled to a parenteral sedation
679 permit subject to the renewal ~~and regulatory provisions~~
680 ~~afforded to the Board of Dental Examiners by requirements and~~
681 ~~board rules adopted by the board pursuant to this chapter.~~ The
682 term "parenteral sedation" shall not include the use or
683 regulation of nitrous oxide..

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

690 ~~a.~~ (2) In order to receive the permit, the dentist shall
691 meet all of the following requirements:

692 ~~1.~~ a. Apply on a prescribed application form to the
693 board.

694 ~~2.~~ b. Submit a fee.

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

697 ~~(i)~~ 1. Received formal training in the use of parenteral
698 sedation from a board approved training program, is competent
699 to handle all emergencies relating to parenteral sedation, and
700 is currently certified in cardiopulmonary resuscitation. The



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701 certification of the formal training shall specify the total
702 number of hours, the number of didactic hours, and the number
703 of patient contact hours. The required number of didactic
704 hours and patient contact hours shall be determined by the
705 board.

706 ~~(ii)~~2. Equipped a proper facility for the
707 administration of parenteral sedation, staffed with a
708 supervised team of auxiliary personnel capable of reasonably
709 assisting the dentist with procedures, problems, and
710 emergencies incident to the sedation procedure.

711 ~~b.~~(3) Adequacy of the facility and the competency of
712 the sedation team shall be determined by the board.

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

718 ~~(2)~~(c) (1) Each dentist who is licensed to practice
719 dentistry in the state and who desires to continue to use
720 parenteral sedation shall make application to the board on the
721 prescribed form ~~to the board~~. If he or she meets the
722 requirements of this section, or currently holds a valid
723 intravenous sedation permit, he or she shall be issued such a
724 permit subject to all renewal and regulatory requirements of
725 Section 34-9-64. If the applicant does not meet the
726 requirements of ~~paragraph a. of subdivision (1) of this~~
727 ~~section~~subdivision (b) (2), or does not currently hold a valid
728 intravenous sedation permit, he or she may be entitled to a



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729 "parenteral sedation permit" if the applicant passes, ~~to the~~
730 ~~satisfaction of the board,~~ an on-site inspection to the
731 board's satisfaction. The inspection shall ascertain ~~that~~
732 whether the dentist has a properly equipped facility for the
733 administration of parenteral sedation, staffed with a
734 supervised team of auxiliary personnel capable of reasonably
735 assisting the dentist with incidental procedures, problems,
736 and emergencies.

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

745 ~~(3) A dentist utilizing parenteral sedation and the~~
746 ~~auxiliary personnel of the dentist shall be currently~~
747 ~~certified in cardiopulmonary resuscitation and the dentist~~
748 ~~shall be trained in advanced cardiac life support~~ (d) A dentist
749 utilizing parenteral sedation shall have successfully
750 completed training in Advanced Cardiovascular Life Support
751 (ACLS), and his or her auxiliary personnel shall have
752 successfully completed training in Basic Life Support (BLS).

753 ~~(4)~~ (e) Each dentist who has not been using parenteral
754 sedation, pending complete processing of an application and a
755 thorough on-site evaluation, may be granted one temporary
756 provisional permit by the board at a time, if the applicant



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757 produces evidence that he or she has complied with this
758 section."

759 "§34-9-86

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

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



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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

Senate 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

Recv'd 06/01/23 11:37amSLF

DATE: 5-12 2023
RD 1 RFD HEALTH

This Bill was referred to the Standing Committee of the Senate on Healthcare and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) w/sub by a vote of years 10 nays 0 abstain this 24th day of May 2023
[Signature], Chair

DATE: 5-24 2023
RF: FAU RD 2 CAL

DATE: 20
RE-REFERRED RE-COMMITTED
Committee _____

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

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

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. _____ AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.
JOHN TREADWELL, Clerk

CONFERENCE COMMITTEE
House Conferees _____

