

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-2-.24  
Rule Title: Anesthesia Inspection Teams.  
 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

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Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer \_\_\_\_\_  
Date 07/13/2023

**REC'D & FILED**

(DATE FILED)

**JUL 14 2023**  
(STAMP)

**LEGISLATIVE SVC AGENCY**

BOARD OF DENTAL EXAMINERS OF ALABAMA

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Dental Examiners of Alabama

RULE NO. & TITLE: 270-X-2-.24, Anesthesia Inspection Teams.

INTENDED ACTION: New Rule.

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to adopt a new rule establishing the composition of anesthesia inspection teams, as authorized by Act No. 2023-362. 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 the provisions of newly-enacted legislation.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

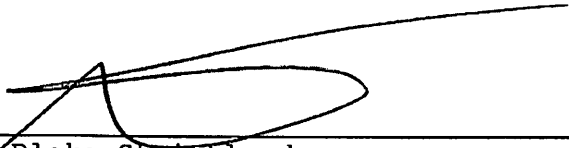
All interested persons may submit data, views, or arguments concerning the proposed rule in writing to: W. Blake Strickland, Executive Director, Board of Dental Examiners of Alabama, 2229 Rocky Ridge Road, Birmingham, Alabama 35216, by mail or in person between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, until and including September 4, 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 September 15, 2023. Copies of proposed rules may be obtained at the Board's web site, [www.dentalboard.org](http://www.dentalboard.org).

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

September 4, 2023.

CONTACT PERSON AT AGENCY:

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

  
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W. Blake Strickland  
Executive Director, Board of Dental  
Examiners of Alabama

**270-X-2-.24. Anesthesia Inspection Teams.**

(1) Inspection Teams for General Anesthesia. Inspections for general anesthesia permits pursuant to Ala. Code § 34-9-60(2)b. shall be performed by two licensed dentists who hold active general anesthesia permits and who shall be selected by the Chair of the Anesthesia Committee, and the board's investigator. The Chair of the Anesthesia Committee may delegate his or her authority to make the selections under this Rule to the Executive Director.

(2) Inspection Teams for Parenteral Sedation. Inspections for parenteral sedation permits pursuant to Ala. Code § 34-9-63(c)(2) shall be performed by two licensed dentists who hold active parenteral sedation permits and who shall be selected by the Chair of the Anesthesia Committee, and the board's investigator. The Chair of the Anesthesia Committee may delegate his or her authority to make the selections under this Rule to the Executive Director.

(3) Inspection Teams for Oral Conscious Sedation. Inspections for oral conscious sedation permits pursuant to Ala. Code § 34-9-86 shall be performed by the board's investigator.

(4) Participation of the Executive Director.

(a) In any case in which the board's investigator is unavailable to participate in or perform any inspection as provided in this Rule, the Executive Director may serve in the investigator's stead.

(b) The Executive Director is authorized to participate in any anesthesia permit inspection in addition to the person(s) provided for in this Rule.

Author: Board of Dental Examiners of Alabama.

Statutory Authority: Code of Ala. 1975, §§ 34-9-43, 34-9-60, 34-9-63, 34-9-86.

History: New Rule Filed [Month] [Date], 2023; effective [Month] [Date], 2023.