

APA-1  
Revised 4/2018

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 270 Department or Agency Board of Dental Examiners of Alabama  
Rule No. 270-X-4-.12  
Rule Title: Waiver of Annual Registration Fees When Retired Due to Age  
or Physical Disability.  
 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)  
(STAMP)

JUL 14 2023

**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-4-.12, Waiver of Annual Registration Fees When Retired Due to Age or Physical Disability.

INTENDED ACTION: New Rule.

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to adopt a new rule providing for wavier of annual registration fees when the licensee is retired due to age or physical disability. This rulemaking is permissible under Section 2 of E.O. 735, because the amendment 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-4-.12. Waiver of Annual Registration Fees When Retired Due to Age or Physical Disability.

(1) General. The board shall waive the annual registration fees assessed pursuant to Ala. Code § 34-9-15 for any dentist or dental hygienist who has retired from professional practice due to age or physical disability. In order to qualify for the annual registration fee waiver, the dentist or dental hygienist must be "retired," and the dentist's or dental hygienist's retirement must be due to either "age" or "physical disability." This Rule formalizes the procedures and standards that the board will apply in implementing this statutory requirement.

(2) Definitions. As used in this Rule:

(a) "Retired" means that the dentist or dental hygienist does not practice dentistry or dental hygiene for compensation. The practice of dentistry or dental hygiene for compensation to a de minimis degree will be disregarded for purposes of this definition.

(b) "Age" means that the dentist or dental hygienist has attained the age of 65 years by October 1 of the license renewal year for which the fee waiver is requested.

(c) "Physical disability" means a documented malady or disease, reasonably permanent in nature, that causes the licensee to be unable to practice dentistry or dental hygiene for more than 10 hours per week.

(3) Waiver Applies Only to License to Practice Dentistry or Dental Hygiene. The annual registration fee waiver provided for in Ala. Code § 34-9-15(d)(1) applies only to the annual renewal fee applicable to the license to practice dentistry or dental hygiene. It does not apply to annual renewal fees for the Alabama Controlled Substances Certificate, anesthesia permits, or any other applicable license, permit, fee, tax, or assessment.

(4) Effect on Continuing Education Requirements. The annual registration fee waiver provided for in Ala. Code § 34-9-15(d)(1) does not excuse the licensee from continuing education requirements imposed by Ala. Code § 34-9-15(e) and Rule 270-X-4-.04. A licensee who qualifies for an annual registration fee waiver under this Rule may, however, apply for a separate deferral of continuing education requirements as provided for in subsection (6) of this Rule.

(5) Procedure. The Executive Director shall create and publish a request form by which licensees may request an annual registration fee waiver (and, if applicable, a deferral of continuing education credits) under this Rule. The request form shall require the requestor to provide sufficient information to substantiate his or her request for annual registration fee waiver. In order to be considered, the licensee shall submit a completed request form to the Executive Director no later than August 1 preceding the license renewal cycle that commences on September 1 of the applicable year. The Executive Director shall present all completed applications to the board at a public meeting for final disposition. The licensee must complete and submit a new request form each year for which an annual registration fee waiver is requested, in order to verify that the qualifying conditions of retirement and either age or physical disability still exist. The board shall grant the registration fee waiver to all dentists and dental hygienists who timely file an application demonstrating entitlement thereto.

(6) Deferral of Continuing Education Requirements. When a dentist or dental hygienist submits a request for an annual registration fee waiver under this Rule, the licensee may also request a deferral of the obligation to earn continuing education credits under Rule 270-X-4-.04. All such requests must be made using the same form, and at the same time, as the request for waiver of the annual registration fee. The Executive Director shall present all completed applications to the board at a public meeting for final disposition. The approval or denial of deferral of continuing education requirements is within the exclusive discretion of the board. If a dentist or dental hygienist is granted one or more deferrals of continuing education requirements and subsequently ceases to qualify for waiver of the annual registration fee under this Rule, then, as a condition of any subsequent license registration, the licensee shall be required to demonstrate that he or she has earned all continuing education credits for all years for which the deferral was previously granted.

Author: Board of Dental Examiners of Alabama  
Statutory Authority: Code of Ala. 1975, § 34-9-15, 34-9-43.  
History: Filed [month] [date], 2023; effective [month]. [date], 2023.