

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-5-.13  
Rule Title: Use of Electronic Signatures.  
 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 [Signature]  
Date 07/13/2023

REC'D & FILED  
DATE FILED  
(STAMP)

JUL 14 2023

LEGISLATIVE SVC AGENCY

APA-2

BOARD OF DENTAL EXAMINERS OF ALABAMA

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Dental Examiners of Alabama

RULE NO. & TITLE: 270-X-5-.13, Use of Electronic Signatures.

INTENDED ACTION: New Rule.

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to adopt a new rule authorizing the acceptance of electronic signatures, as authorized by Ala. Code § 8-1A-18(a). 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 will reduce the burdens associated with manual wet-ink signatures on official documents.

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



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

**270-X-5-.13 Use of Electronic Signatures.**

(1) Legal Basis: The Alabama Uniform Electronic Transactions Act ("UETA"), Ala. Code § 8-1A-1 et seq., enacted in 2002, is intended to facilitate the use of electronic documents in business, commercial, and governmental transactions. The Act promotes, but does not require, the use of electronic signatures and creation of electronic documents. Section 8-1A-18(a) provides that "each government agency of this state with rule-making authority . . . may determine by rule whether, and the extent to which, it will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures." Section 8-1A-12(a) provides that an electronic record meets other state law requirements for record retention if the electronic record both accurately reflects the original document and is accessible for later reference. Section 8-1A-13 provides that an electronic record may not be excluded from evidence in court solely because it is in electronic form.

(2) Use of Electronic Signatures and Electronic Records: In accordance with Ala. Code § 8-1A-18(a), the Board of Dental Examiners of Alabama hereby establishes that to the fullest extent permitted by the Act, and except as otherwise provided in this Rule, the Board will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures. In accordance with Section 8-1A-18(b), the system selected and used for collection and validation of electronic signatures will, at a minimum:

(a) Provide an identical copy of the original signed and executed document to the signer.

(b) Ensure non-repudiation (i.e., that the signer cannot deny the fact that he or she electronically signed the document).

(c) Capture information about the process used to capture signatures (i.e., create an audit trail), including but not limited to Internet Protocol addresses; date and time stamps of all events; all web pages, documents, disclosures, and other information presented; and what each party acknowledged, agreed to, and signed.

(d) Encrypt, end-to-end, all communication within the signature process. Encryption technologies shall comply with state encryption standards, including the requirements that cryptographic modules be validated to the current Federal Information Processing Standards (FIPS).

(3) Selection of Digital Signature Platform. The Executive Director is authorized to select and contract with an appropriate provider for collection and validation of electronic signatures that meets the requirements of subparagraphs (2)(a)-(d) of this Rule. The Executive Director shall consult with the Office of Information Technology before making such selection.

(4) Exception-When Ink Signature is Still Required. Pursuant to Ala. Code § 34-9-15(b)(1), the initial registration application requires a notarized, wet-ink signature.

**Author:** Board of Dental Examiners of Alabama.

**Statutory Authority:** Code of Ala. 1975, §§ 8-1A-18(a)(1), 34-9-43; State of Alabama, Office of Information Technology, Policy No. 115-01 (January 5, 2021).

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