

**CERTIFICATION OF EMERGENCY RULES
FILED WITH THE
LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41 22 5(b) and 41 22 6(c) (2)a. and b.

I certify that the attached emergency amendment is a correct copy as promulgated and adopted on Friday, February 9, 2024.

AGENCY NAME: Board of Dental Examiners of Alabama

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

EXPIRATION DATE OF RULE: Tuesday, June 11, 2024

NATURE OF EMERGENCY: The Board of Dental Examiners finds that there presently exists an immediate danger to public health, safety, or welfare requiring adoption of a rule upon less than 35 days' notice as follows: There currently exists a backlog of applications for permits to perform general anesthesia and parenteral sedation, resulting in a delay of these critical services being offered to the public. The Rule, as currently drafted, required preliminary facility inspections to be performed by two licensed dentists who hold the same level of permit as applied for. The Emergency Rule would allow the preliminary facility inspections-which to no require the exercise of medical judgement-to be performed by any person prescribed by the Board. This will allow provisional permits to be issued, and critical services to be delivered to the public, while protecting public safety. Anesthesia Evaluations will still require the participation of two permit holders.

STATUTORY AUTHORITY: Code of Ala. 1975, §§34-9-16, 34-9-43 34-9-81, Act 2005-298

SUBJECT OF RULE TO BE ADOPTED ON A PERMANENT BASIS: Yes

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE: W. Blake Strickland, Executive Director, Board of Dental Examiners of Alabama, 2229 Rocky Ridge Road, Birmingham, AL 35216

W. Blake Strickland

W. Blake Strickland

Signature of officer authorized to promulgate and adopt rules and regulations of his or her deputy

REC'D & FILED
FEB 12, 2024
LEGISLATIVE SVC AGENCY

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

(1) Inspection Teams for General Anesthesia.

~~Inspections~~ Preliminary inspections of the facilities, equipment, and personnel of an applicant for a permit to perform general anesthesia, as described in Rule 270-X-2-.17(1) (m), may be performed by such individuals as prescribed by the board.

Anesthesia evaluations 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~~ Preliminary inspections of the facilities, equipment, and personnel of an applicant for a permit to perform parenteral sedation, as described in Rule 270-X-2-.17(1) (m), may be performed by such individual as prescribed by the board.

Anesthesia evaluations 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: Published September 29, 2023; effective November 13, 2023. **Amended (ER):** Filed 2024; effective 2024; expires days, .