

APA-1

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
Intended Action: Amend

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? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making 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

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.

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

W. Blake Strickland
W. Blake Strickland

Date

Monday, February 12, 2024

REC'D & FILED

FEB 12, 2024

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:** Amend

**SUBSTANCE OF PROPOSED ACTION:**

The Board proposes to amend its existing rule regarding anesthesia inspection teams to allow individuals prescribed by the Board to conduct preliminary facility inspections-which do not require the exercise of medical judgement-for applicants for general anesthesia and parenteral sedation permits. 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 protect public health, safety, or welfare.

**TIME, PLACE AND 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 April 4, 2024. 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 April 5, 2024. 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:**

Thursday, April 4, 2024

**CONTACT PERSON AT AGENCY:**

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

*W. Blake Strickland*

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W. Blake Strickland

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

**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:** Published                    ; effective

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