

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 270
Department or Agency: Board of Dental Examiners of Alabama
Rule No.: 270-X-3-.07
Rule Title: Annual Registration For Hygienists
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

REC'D & FILED

Date

Monday, February 12, 2024 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-3-.07 Annual Registration For Hygienists

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to amend its existing rule regarding annual registration for dental hygienists to comply with existing statutory requirements in Code of Ala. 1975 §34-9-15. This rulemaking is permissible under Section 2 of E.O. 735, because the amendment does not impose any new regulatory burdens on the public.

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.

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

W. Blake Strickland

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

270-X-3-.07

Annual Registration For Hygienists.

(1) No person shall practice dental hygiene in the State of Alabama unless licensed by the Board and registered annually as required by Code of Ala. 1975.

(2) The secretary-treasurer of the Board shall furnish to every dental hygienist currently licensed and registered to practice in the State of Alabama on or before ~~furnish mail to each such licensee on or before the~~ September 1st of each year, a registration form which shall contain space for the insertion of his/her name, address, date, and number of his/her license certificate and such other information as the Board shall deem necessary.

(3) ~~On or before the first day of October~~No later than September 30 of each year, every dental hygienist licensed and registered to practice in the State of Alabama shall transmit to the secretary of the Board the completed form prescribed by the Board, together with the prescribed annual registration fee. The valid period of a certificate of registration shall be exactly one year, commencing on October 1 and ending on September 30 of the following calendar year, without regard to the date on which the annual registration takes place. On October 1 of each year, the license of any dental hygienist who shall have failed to complete the annual registration process as provided in this subsection shall be converted to expired status.

(4) Between October 1 and December 31 of each year, any dental hygienist whose license is converted to expired status as provided in subsection (3) may reinstate his or her license to active status by meeting all applicable requirements for renewal, and by paying the prescribed annual registration fee.

~~(4) Any license and license certificate previously granted~~(5) On or about December 1 of each year, the Executive Director shall cause the issuance of the written notices described in Ala. Code § 34-9-15(c)(2), via U.S. Mail, to all dental hygienists who, as of such date shall not have completed the annual registration process.

(6) On January 1 of each year, the licenses of all dental hygienists who shall have failed to complete the annual registration process shall automatically be suspended. Any dental hygienist whose license is automatically suspended as provided in this subsection and has remained suspended for less than five years may reinstate his or her license by completing all of the following: ~~shall automatically be suspended if the holder~~

(a) meeting all applicable requirements for reinstatement;
~~fails~~

(b) paying the prescribed annual registration fee for all intervening years up to a maximum of five years; and ~~to secure~~

(c) paying the statutory maximum reinstatement penalty as prescribed by Ala. Code § 34-9-16.

(7) Any person who performs any act constituting the practice of dental hygiene without a valid license and annual registration as prescribed by law shall be subject to disciplinary action.

(8) In no case shall a dental hygienist be permitted to complete the annual license registration process unless he or she demonstrates that he or she has fulfilled the continuing education requirements ~~the annual registration certificate before the first day of January each year.~~

~~(5) The annual registration for dental hygienists shall be an amount fixed by the Board prescribed by Rule 270-X-4-.04.~~

~~(6) Any dental hygiene license suspended by reason of failure, neglect or refusal to secure the annual registration certificate may be reinstated by the Board upon payment of a penalty fee as determined by the Board plus the current year's registration fee. The form and method provided for in §34-9-28, Code of Ala. 1975, as amended.~~

~~(7) All licensed dental hygienists shall also comply with the provisions of Code of Ala. 1975, §34-9-28.~~

Author: ~~James S. Ward~~ Board of Dental Examiners of Alabama

Statutory Authority: Code of Ala. 1975, §§34-9-2, 34-9-4, 34-9-28, 34-9-43.

History: Filed September 28, 1982. **Amended:** Filed January 30, 1998; effective March 6, 1998. **Amended:** Filed July 21, 2009; effective August 25, 2009. **Amended:** Filed February 22, 2012; effective March 28, 2012. **Amended:** Published 2024; effective 2024.