

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 270
Department or Agency: Board of Dental Examiners of Alabama
Rule No.: 270-X-4-.13
Rule Title: The Alabama Dental Professionals Wellness Committee
Intended Action: New

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

Thursday, January 18, 2024

REC'D & FILED
JAN 18, 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-4-.13 The Alabama Dental Professionals  
Wellness Committee

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

The Board proposes a new rule to constitute the Alabama Dental Professionals Wellness Committee as provided in the state law. This rulemaking is permissible under Section 2 of E.O. 735, because the proposed rule does not impose any new regulatory burdens on the public, and is needed to implement the provisions of Alabama statutes.

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, AL 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 March 6, 2024. Alternatively, data, views, or comments may be submitted via email to blake@dentalboard.org during the comment period. Interested persons may also present comments at the public meeting of the board to be held March 8, 2024.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Wednesday, March 6, 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)

**The Alabama Dental Professionals Wellness Committee.**

(1) Creation of the Alabama Dental Professionals Wellness Committee. To promote the early identification, treatment, and rehabilitation of any licensee who may be impaired, there is hereby established the Alabama Dental Professionals Wellness Committee. The Committee shall be comprised of not less than three (3) nor more than fifteen (15) members, all of whom shall be appointed by the Board as provided in this Rule. If the Board contracts with a nonprofit corporation to carry out the functions and duties of the Committee, then the Committee shall constitute the board of directors of such nonprofit corporation.

(2) Qualifications of Committee Members.

(a) All members of the Committee must:

(i) Hold an active and unrestricted license to practice dentistry in the State of Alabama;

(ii) Reside full-time in the State of Alabama; and

(iii) Be engaged in the active practice of dentistry in the State of Alabama.

(b) In addition, the Board shall actively seek to appoint persons to the Committee who:

(i) Possess unique knowledge, training, and/or personal, professional, or academic experience in the subjects of substance abuse or addiction, treatment, recovery, mental and/or behavioral health issues, and/or psychological or psychiatric disorders;

(ii) Demonstrate commitment to the goals of the Committee, as well as commitment to public safety;

(iii) Reflect the diversity of the dental profession in the State of Alabama.

(3) Process for Appointment and Removal of Committee Members. All members of the Committee shall be appointed by, and shall serve at the pleasure of, the Board.

(a) Appointments to the Committee shall be made by the Board from candidates nominated by the Board President. The Board shall designate one member of the Committee as its

Chairman. The Board shall deliberate and make its decisions regarding appointments to the Committee in public meetings.

(b) Each member of the Committee thus appointed shall serve for terms of three years and shall continue in office until his or her successor has been appointed in accordance with this Rule; provided, however, that the Board may vary the lengths of the initial appointments to the Committee in order to stagger the terms of the Committee members. A member of the Committee shall be eligible to be appointed for multiple consecutive or non-consecutive terms, at the discretion of the Board.

(c) The Board may remove any member of the Committee for any reason.

(4) Functions of the Alabama Dental Professionals Wellness Committee. The Committee shall perform the following functions:

(a) Receiving and evaluating reports of suspected impairment from any source;

(b) Intervening in cases of verified impairment;

(c) Where appropriate, entering into voluntary agreements with impaired licensees providing that such licensees will refrain from professional practice for a specified time and subject to specified conditions;

(d) Establishing treatment and monitoring contracts between the Committee and impaired licensees;

(e) Referring impaired licensees to authorized evaluation and/or treatment programs;

(f) Fostering and monitoring the treatment and rehabilitation of impaired licensees;

(g) Providing post-treatment monitoring and support of rehabilitated impaired licensees;

(h) Making the reports required by this Rule; and

(i) Such other and further duties agreed upon between the Board and the Committee.

(5) Reports by the Alabama Dental Professionals Wellness Committee. The Committee shall make an informal report at each regular meeting of the Board. At least one such report

per calendar quarter shall be made in person. The Committee shall annually make a report to the Board concerning the Committee's operations and proceedings for the preceding year, as well as any other matter as requested by the Board or deemed germane by the Committee.

(6) Mandatory Reporting to the Board of Dental Examiners. The Committee shall have an affirmative obligation to report immediately to the Board the following:

(a) Any licensee who, in the opinion of the Committee, is unable to practice dentistry or dental hygiene, as applicable, with reasonable skill and safety, and who has failed or refused to voluntarily cease such professional practice pursuant to an agreement with the Committee, or, having entered into such an agreement with the Committee, has violated that agreement;

(b) Any licensee who, in the opinion of the Committee, is in need of intervention, treatment, or rehabilitation and who has failed or refused to participate in programs of treatment or rehabilitation recommended by the Committee; and/or

(c) If the Board has reasonable cause to believe that a licensee is impaired, the Board may require that an evaluation of the licensee be conducted by a facility designated by the Committee for the purposes of determining whether an impairment exists and for other related purposes, and the Committee shall report the findings of such evaluation to the Board.

(7) Deferred Disciplinary Action. The prerogatives of the Committee as described in this Rule shall in no way abridge the authority of the Board to take disciplinary action against a licensee. If a licensee is impaired and currently in need of intervention, treatment, or rehabilitation, and the licensee is currently participating in programs of evaluation, treatment, and/or rehabilitation recommended by the Committee, then the Board may, in its absolute and unreviewable discretion, refrain from taking or continuing to take disciplinary action against the licensee.

(8) Confidentiality. Except as provided in subsection (6) of this Rule, the proceedings of the Committee shall be privileged and confidential as provided in Ala. Code § 34-38-6.

(9) Effect on Other Mandatory Reporting Obligations. A report to the Committee shall be deemed to be a report to the Board for the purposes of any mandated reporting of professional impairment otherwise provided for by the statutes of this state.

In no case, however, shall a report to the Committee be deemed to satisfy the reporting obligations imposed by Ala. Code § 34-9-65, § 34-9-84, or any Rules promulgated pursuant thereto.

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

**Statutory Authority:** Code of Alabama 1975, §§ 34-9-43(a)(10), 34-38-1 et seq.

**History: New Rule:** Published January 31, 2024; effective

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