

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 270
Department or Agency: Board of Dental Examiners of Alabama
Rule No.: 270-X-5-.04
Rule Title: Rule-Making Proceedings
Intended Action: Repeal

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

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? Yes

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

Friday, January 19, 2024

REC'D & FILED

JAN 19, 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-5-.04 Rule-Making Proceedings

INTENDED ACTION: Repeal

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to repeal Rule 270-X-5-.04. This rulemaking is permissible under Section 2 of E.O. 735, because the proposed repeal will "remove obsolete, outdated, or unnecessary rules."

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

All interested persons may submit data, views, or arguments concerning the proposed repeal of the 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. through 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](mailto:blake@dentalboard.org) during the comment period. Interested persons may also present comments at the public meeting of the Board to be held on 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)

~~(1) Notice. (Repealed)~~

~~(a) The Board shall give at least thirty-five (35) days notice of any proposed action on any rule by publication in the Alabama Administrative Monthly and shall otherwise comply with the notice requirements stated in Code of Ala. 1975, §41-22-5(a)(1).~~

~~(b) Any person who has made a timely request of the agency for advance notice of its rule-making proceedings and who has furnished the Board with a sufficient amount of money to cover the cost of mailing shall receive a copy of the notice referred to above.~~

~~(2) Public Hearings. The Board shall afford all interested persons reasonable opportunity to submit data, views or arguments, either orally or in writing. Any data, views, or arguments submitted in writing must be received by the secretary-treasurer of the Board at least seven (7) days before the date specified in the notice as the day of the public hearing. Those persons wishing to appear before the Board to present data, views, or arguments orally must submit a request to appear before the Board to the secretary-treasurer, and such request must be received by the secretary-treasurer at least seven (7) days before the scheduled public hearing. This request shall contain a complete summary of the data, views, or arguments which are to be orally presented.~~

~~(3) Board Decision. The Board shall fully consider all written and oral submissions concerning every proposed rule action. Upon adoption of a rule, the Board, if conflicting views are submitted on the proposed rule, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling any consideration urged against its adoption.~~

~~(4) Emergency Rules. In the event the Board finds that immediate danger to the public health, safety, or welfare requires adoption of a rule upon fewer than thirty-five 35 days notice, or that action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than thirty-five 35 days notice, the Board may adopt an emergency rule under the provisions of Code of Ala. 1975, §41-22-5(b).~~

~~(5) Compliance with the Alabama Administrative Procedure Act. All rules adopted by the Board shall otherwise substantially and procedurally comply with the provisions of the Alabama Administrative Procedure Act.~~

**Author:** James S. Ward

**Statutory Authority:** Code of Ala. 1975, §§34-9-43, 41-22-5.

**History:** Filed September 28, 1982. **Amended:** Filed February 22, 2012; effective March 28, 2012. **Repealed:** Published  
; effective .