

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

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Saturday, April 6, 2024, and filed with the agency secretary on Saturday, April 6, 2024.

**AGENCY NAME:** Board of Dental Examiners of Alabama

**INTENDED ACTION:** Amend

**RULE NO.:** 270-X-5-.09

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

**RULE TITLE:** Non-Disciplinary Administrative Penalties

**ACTION TAKEN:** State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

**Adopted without changes**

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 5, AAM, DATED THURSDAY, FEBRUARY 29, 2024.

**STATUTORY RULEMAKING AUTHORITY:** Ala. Code 1975, §34-9-43(10)

(Date Filed)  
(For LRS Use Only)

**REC'D & FILED**  
**APR 6, 2024**  
**LEGISLATIVE SVC AGENCY**

*W. Blake Strickland*

W. Blake Strickland

Certifying Officer or his or her  
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

**270-X-5-.09      Non-Disciplinary Administrative Penalties.**

(1) In the absence of specific aggravating factors, the Board shall assess a non-disciplinary administrative penalty for the following violations:

(a) As to dentists only, any practice owner who allows a licensee in his or her employment to practice for no more than thirty (30) days without a current annual registration.

(b) As to dentists only, by failing to comply with the provisions of Code of Ala. 1975, §34-9-15.1 (Patient Records).

(c) Failing to timely renew any license or permit required pursuant to the Alabama Dental Practice Act and performing activities which require the applicable license or permit for no more than thirty (30) days during the time the same was expired.

(d) Failing to comply with the provisions of Board Rule 270-X-4.04 (Mandatory Continuing Education For Dentists And Dental Hygienists), but only if the licensee pays the applicable penalty and cures the violation by earning all of the deficient hours by the December 31 immediately following the continuing education cycle in which the violation occurred.

(e) As to dentists only, failing to comply with the provisions of Board Rule 270-X-2-.20 (Reporting Of Adverse Occurrences).

(2) The non-disciplinary administrative penalty shall be \$500.00.

(3) If any licensee, having been assessed a non-disciplinary administrative penalty pursuant to this rule, fails to pay the assessed amount within thirty (30) days of notice thereof or by such other deadline as prescribed by the Board, the Board will set aside the non-disciplinary administrative penalty and initiate disciplinary action through formal contested case proceedings.

(4) A licensee shall not qualify for a non-disciplinary administrative penalty more than once in any five-year period.

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

**Statutory Authority:** Code of Ala. 1975, §§34-9-18(16), Act 2009-18.

**History: New Rule:** Filed July 24, 2009; effective August 28, 2009. **Amended:** Filed February 22, 2012; effective March 28, 2012. **Amended:** Filed May 7, 2014; effective June 11, 2014.

**Amended:** Filed July 14, 2015; effective August 18, 2015.

**Amended:** Filed December 13, 2018; effective January 27, 2019.

**Amended:** Published April 30, 2024; effective June 14, 2024.