

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-.09
Rule Title: Criteria And Fees For Mobile Dental Facilities Of Portable Dental Operations
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, September 16, 2024

SEP 16, 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-.09 Criteria And Fees For Mobile Dental  
Facilities Of Portable Dental Operations

**INTENDED ACTION:** Amend

**SUBSTANCE OF PROPOSED ACTION:**

The Board proposes to amend its existing rule regarding the issuance of permits for Mobile Dental Facilities and Portable Dental Units to allow for the waiver of permit fees as a public service for approved charitable events benefiting underserved populations in the State of Alabama.

**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, 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 November 4, 2024. Persons wishing to submit data, views, or comments regarding this proposal should contact W. Blake Strickland by email (blake@dentalboard.org) during the comment period. Interested persons may also present comments regarding this proposal at a public meeting/hearing to be held on November 8, 2024. Copies of proposed rules may be obtained from the Board's website at [www.dentalboard.org](http://www.dentalboard.org).

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

Monday, November 4, 2024

**CONTACT PERSON AT AGENCY:**

W. Blake Strickland, Executive  
Director, 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-4-.09

**Criteria And Fees For Mobile Dental Facilities  
Of Portable Dental Operations.**

(1) All applications for a Certificate of Registration to operate a mobile dental facility or portable dental operation must be complete and comply with all the requirements of Code of Ala. 1975, §34-9-6.1. The required initial application or renewal will not be acted upon if not fully completed. The initial application or any renewal must be forms approved by the Board.

(2) No initial Certification of Registration to operate a mobile dental facility or portable dental operation shall be issued until there has been an inspection by the Board or its authorized representative. If there is a determination as a result of the inspection that the application will not be granted, a list of the deficiencies noted shall be provided to the applicant within ten (10) days from the date of the inspection. If the applicant desires another inspection, a request must be made in writing to the Board.

(3) No Certificate of Registration or renewal thereof shall be issued until the required fee is paid.

(4) The fee for the initial Certificate of Registration and the required inspection shall be an amount to be determined by the Board. In the event of an unsuccessful inspection, the applicant will be required to submit an additional amount to be determined by the Board for re-inspection.

(5) The fee for renewal of the Certificate of Registration shall be an amount to be determined by the Board.

(6) Any and all Mobile Dental Facilities/Portable Dental Operations must comply with applicable provisions of the Americans with Disabilities Act.

(7) Notwithstanding anything herein to the contrary, the Board may waive any fees that would otherwise be assessed for mobile dental facilities and/or portable dental operations in connection with a specific charitable event organized for the specific purpose of providing free or reduced cost dental care and/or education to Alabama residents who would otherwise experience substantial lack of access to dental care, if:

(a) the Board finds that there is a public purpose in waiving the fees;

(b) no Board member, Board employee, nor any family member of the foregoing will receive any personal gain; and

(c) the Board votes in a properly noticed public meeting to waive the fees.

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

**Statutory Authority:** Code of Ala. 1975, §§34-9-6.01, 34-9-16, 34-9-43(10).

**History: New Rule:** Filed July 24, 2009; effective August 28, 2009. **Amended:** Filed September 20, 2010; effective October 25,

2010. **Amended:** Filed February 22, 2012; effective March 28,  
2012. **Amended:** Published \_\_\_\_\_ ; effective \_\_\_\_\_ .