

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control Department or Agency Alabama Board of Dental Examiners
Rule No. 270-x-5-.09
Rule Title: Non-Disciplinary Administrative Penalties
 New **XX** Amend Repeal Adopt by Reference

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 and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? No

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 

Date 10/19/2018

(DATE FILED)
(STAMP)

APA-2
07/04

BOARD OF DENTAL EXAMINERS OF ALABAMA

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Dental Examiners of Alabama

RULE NO. & TITLE: Ala. Admin. Code r 270-X-5-.09, Non-Disciplinary Administrative Penalties.

INTENDED ACTION: Amend current rule.

SUBSTANCE OF PROPOSED ACTION:

The Board is proposing to amend Ala. Admin. Code r 270-X-5-.09 so as to be able to apply non-disciplinary penalties to additional errors/oversights committed by licensees.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Executive Director of the Board of Dental Examiners of Alabama at any time up to and including 8:30 a.m. on December 7, 2018, or by personally appearing at the Board of Dental Examiners of Alabama Board Meeting to be held at 5346 Stadium Trace Pkwy., Suite 112, Hoover, Alabama, at 8:30 a.m., Friday, December 7, 2018.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

December 7, 2018

CONTACT PERSON AT AGENCY:

Bradley W. Edmonds
Executive Director
Board of Dental Examiners
5346 Stadium Trace Pkwy, St. 112
Hoover, AL 35244
205-985-7267



Bradley W. Edmonds

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

(1) Except as set forth in paragraph five (5), any licensee who is found to be in violation of the following requirements of the Alabama Dental Practice Act shall have imposed a non-disciplinary administrative penalty as set forth below-:

(a) As to dentists only, failing to renew their DEA registration within one (1) year of the expiration thereof.

(b) As to dentists only, any practice owner who allows a licensee to practice up to one hundred-eighty (180) days without a current annual registration permit.

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

(d) 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 up to one hundred-eighty (180) days during the time the same was expired.

(e) Failing to comply with the provisions of Board Rule 270-X-4.04 (Mandatory Continuing Education For Dentists And Dental Hygienists). In addition to the applicable penalty, the licensee shall be required to make up the number of deficient hours by December thirty-first (31st) of the following renewal period.

(f) As to dentists only, by failing to comply with the provisions of Board Rule 270-X-2.20 (Reporting Of Adverse Occurrences).

(g) As to dentists only, by failing to comply with the provisions of Board Rule 270-X-2.22 (Patient Records).

(2) The non-disciplinary administrative penalty shall be:

(a) The penalty for a violation by dentists shall be up to five hundred dollars and 00/100 (\$500.00).

(b) The penalty for a violation by licensed dental auxiliary shall be up to two hundred fifty dollars and 00/100 (\$250.00).

(3) Failure to pay the non-disciplinary administrative penalty within the time prescribed by the Board, unless otherwise notified, will result in disciplinary action.

(4) A licensee shall not qualify for the non-disciplinary administrative penalty referenced above for more than one (1) violation occurring within five (5) years of any prior application of this rule.

(5) Notwithstanding the provisions of this rule, the Board may take into account a licensee who self-reports any of the violations referenced above and said self-reporting may constitute mitigating circumstances such as to allow the imposition of a non-disciplinary administrative penalty.

Author: Board of Dental Examiners of Alabama

Statutory Authority: Code of Ala. 1975, §§34-9-18(17), 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 October 23, 2018; effective December 7, 2018.