BOARD OF DENTAL EXAMINERS OF ALABAMA ADMINISTRATIVE CODE

CHAPTER 270-X-4 MISCELLANEOUS

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270-X-4-.01 Professional Corporations And Professional Associations.

(1) Professional Corporations.

(a) This rule is promulgated pursuant to the Revised Alabama Professional Corporation Act, Code of Ala. 1975, §§10-4-380, et seq. This rule shall apply to professional corporations formed after January 1, 1984, by dentists licensed to practice dentistry in the State of Alabama and all professional corporations formed prior to January 1, 1984, which are governed by the provisions of the above-referenced portion of the Code of Ala. 1975, and those professional associations formed prior to January 1, 1984 which amend their Articles of Association as provided in Code of Ala. 1975, §10-4-403(b).

(b) Any dentist or group thereof licensed to practice dentistry in the State of Alabama who desires to render dental professional services as a corporation in this state shall comply with the provisions of Code of Ala. 1975, §10A-4-1-.01, et seq. and this rule.

(c) The names of professional corporations shall be governed by the provisions of Code of Ala. 1975, §10A-1-5.08. If the corporate name of the professional corporation utilizes the name or names of the dentist(s) who are employees of or shareholders in the professional corporation, then such corporate name shall include the designation "D.M.D." or "D.D.S." whichever is appropriate. In addition, the following requirements shall be applicable to professional corporations:

1. Practicing dentists forming or who formed a professional corporation may practice under a name other than the one(s) of the participating dentist(s) only if the following are met:

(i) That the name so selected should not suggest a non-profit or charitable activity or be false, fraudulent, misleading, or deceptive.

(ii) That the name of the dentist(s) and the words "professional corporation" or the abbreviation "P.C.," as required by Code of Ala. 1975, §10A-1-5.08, shall be displayed with similar prominence as the name so selected.

(d) Every professional corporation formed after January 1, 1984, shall file with the Board of Dental Examiners of Alabama a certified copy of the Articles of Incorporation and the Certificate of Authority, a complete list of the names and addresses of the shareholders and any and all subsequent amendments to the Articles of Incorporation, changes of ownership of any shares in the professional corporation or changes in the business address of the professional corporation.

(e) All professional corporations in existence on the effective date of the act and all professional associations which are hereinafter governed by the provisions of the act shall file a certified copy of all amendments to the Articles of Incorporation or Articles of Association with the Board of Dental Examiners of Alabama and a copy of any changes of ownership of any shares in the professional corporation or changes in the business address of the professional corporation or association.

(f) Every professional corporation or professional association governed by the provisions of the act shall file with the Board of Dental Examiners of Alabama a certified copy of any

Articles of Dissolution or Articles of Merger or Consolidation with another professional corporation or association.

(g) All filings shall be within thirty (30) days of the effective date of the instrument or document filed.

(h) In addition to the requirements of Code of Ala. 1975, §10A-4-3.01, no shares may be transferred upon the books of the professional corporation or issued by the professional corporation until there is presented to and filed with the corporation a certificate by the Board of Dental Examiners of Alabama stating that the individual to whom the transfer is to be made or the shares issued is a qualified person as defined by Code of Ala. 1975, §10A-4-1.03(6).

(i) In addition to the requirements of Code of Ala. 1975, §10A-4-3.06, no officers or members of the board of directors of a professional corporation who are not licensed to practice dentistry shall participate in any decision constituting the practice of dentistry.

(j) A foreign professional corporation rendering dental professional services in the State of Alabama shall, in addition to the requirements of Code of Ala. 1975, §10A-4-5.02, be subject to the following:

1. All shareholders of a foreign professional corporation who render dental professional services in Alabama shall be dentists licensed to practice dentistry in the State of Alabama.

(k) The Board of Dental Examiners of Alabama may propound interrogatories to any professional corporation under the provisions of Code of Ala. 1975, §10A-4-5.05.

(l) The Board of Dental Examiners of Alabama may request that the Attorney General initiate involuntary dissolution procedures against a professional corporation under the provisions of Code of Ala. 1975, §10A-4-5.01. In addition, the Board may certify to the Secretary of State the names of any foreign professional corporation which has given cause for revocation of its certificate of authority under the provisions of Code of Ala. 1975, §10A-4-5.03.

(m) Every professional corporation subject to the provisions of the act rendering dental professional services shall file with the Board of Dental Examiners of Alabama a copy of the annual report required by Code of Ala. 1975, §10A-4-5.04. Financial or confidential information contained in the annual report may be disclosed or made public pursuant to the provisions of Code of Ala. 1975, §10A-4-5.04(b).

(2) Professional Associations. The following shall apply to professional associations who do not elect to become subject to the provisions of the Revised Alabama Professional Corporation Act, Code of Ala. 1975, §§10A-4-1.01:

(a) Professional associations may practice under a name other than the one(s) of the participating dentist(s) only if the following requirements are met:

1. That the name of the participating dentist(s) shall appear following or beneath the name selected.

2. That the designation, "Professional Association" or the abbreviation "P.A." shall appear either following or beneath the name so selected.

3. That the name so selected should not suggest a non-profit or charitable activity or be false, fraudulent, misleading or deceptive.

4. That the name of the dentist(s) and the designation "professional association" or the abbreviation "P.A." shall be displayed with similar prominence as the name so selected.

Author: James S. Ward
Statutory Authority: Code of Ala. 1975, §§10A-1-5-.08, 10A-4, et seq., 34-9-2; 34-9-19; 34-9-43.
History: Filed September 28, 1982. **Repealed and new rule adopted in lieu thereof:** Filed November 15, 1984. **Amended:** Filed July 21, 2009; effective August 25, 2009. **Amended:** Filed February 22, 2012; effective March 28, 2012.

270-X-4-.02 Approval Required For Utilization Of Unlicensed Individuals By Institutions.

(1) Pursuant to the provisions of Code of Ala. 1975, §34-9-43(5), any clinical dental facility of any institution, school, or college where dental care is provided by dentists, dental hygienists, faculty members, students, interns, residents, or other individuals not duly licensed in Alabama, will be required to obtain APPROVED STATUS from the Board under the following procedure:

(a) The parent institution, school or college seeking APPROVED STATUS will be required to furnish the Board a detailed written description of the facility and its activities. This document shall include such items as location of the clinic; names and license (teaching permit) numbers of staff members; name and responsibility of all persons who perform any services defined as dentistry/dental hygiene by Code of Ala. 1975, §§34-9-6, 34-9-27; source of and number of patients;

services that will be rendered; copies of applicable grants or grant requests; description of quality control mechanisms; description of any research or experimental activities and such other data that the Board may deem necessary or pertinent.

(b) Any new clinical dental facility must request APPROVED STATUS from the Board at least six (6) months prior to the commencement of operations.

(c) The Board requires immediate notification before any change is made in an existing facility which has APPROVED STATUS.

(d) The Board or its authorized representative(s) will conduct onsite inspections of all APPROVED facilities and those seeking APPROVED STATUS whenever such action is deemed necessary by the Board.

(e) The Board may issue a temporary permit authorizing an APPROVED facility to employ an unlicensed graduate dentist provided that such dentist:

1. Has met the requirements of Board Rule 270-X-2-.01.

2. Will work under the direct supervision of a staff dentist duly licensed in Alabama.

3. Has made application to take the next licensure examination. This temporary permit shall be valid only until date of the next annual examination and shall not be renewable. Fees paid by such dentist as defined in Code of Ala. 1975, §34-9-16, shall not be refundable.

(f) Each facility with APPROVED STATUS must request renewal approval on an annual basis. The Board will compile and distribute annually a list of these facilities that have APPROVED STATUS and those which have requested APPROVED STATUS.

(g) The Board may withdraw APPROVED STATUS of any clinical dental facility if it deems such action shall be necessary or in the best interest of the people of this state.

Author: James S. Ward
Statutory Authority: Code of Ala. 1975, §§34-9-2, 34-9-43.
History: Filed September 28, 1982. **Amended:** Filed February 22, 2012; effective March 28, 2012.

270-X-4-.03 Approval For Training, Educational, Technical, Vocational, Or Any Other Institution Providing Instruction For Dental Assistants.

Pursuant to the provisions of Code of Ala. 1975, §34-9-43(5), any training, educational, technical, vocational, or any other institution which provides instruction for dental assistants shall be required to obtain APPROVED STATUS from the Board of Dental Examiners of Alabama (hereinafter "Board"), if they wish to be listed as an approved program for the ADHP prerequisites, under the following procedure:

(1) For Board approval, any training, educational, technical, vocational or any other institution (hereinafter collectively referred to as "institution") shall meet the applicable requirements and standards for such instruction as approved or adopted by the American Dental Association, a copy of these requirements and standards being available to the said institutions upon request to the secretary-treasurer of the Board.

(2) In determining whether the instruction at the institution meets and satisfies the requirements and standards for the same then in effect, the Board or any authorized representative(s) may conduct onsite inspections and examinations of the institution and may require the institution to submit any written information or material which the Board or its authorized representative(s) may deem necessary and appropriate. If the institution fails or refuses to allow the Board or its authorized representative(s) to conduct onsite inspections and examinations or refuses or fails to submit, after notice, and within a reasonable period of time to be determined by the Board or its authorized representative(s), any required written information or material, the Board shall deny the institution APPROVED STATUS and give the institution notice thereof in writing.

(3) If the Board determines that the instruction provided by the institution meets the requirements and standards of the Board then in effect for the same, the institution shall be so notified by the Board in writing as soon as practicable.

(4) If the Board determines that the instruction provided by the institution does not meet the requirements and standards of the Board then in effect for the same, the Board shall so notify the institution in writing as soon as practicable, said notice to include at least the following:

(a) The reasons why the instruction at the institution did not meet or satisfy the requirements or standards of the Board then in effect.

(b) The specific requirements or standards that the institution failed to meet or satisfy.

(c) A reasonable period of time to be determined by the Board or its authorized representative(s) in which the institution can correct the deficiencies so noted or otherwise satisfy or meet the Board's requirements or standards then in effect.

(5) If the institution fails to meet or satisfy the requirements or standards of the Board then in effect after notice and opportunity as provided in subsection (4) above, the Board shall deny the institution APPROVED STATUS.

(6) The Board may withdraw APPROVED STATUS of an institution providing instruction if it deems such action shall be necessary or in the best interest of the people of this state or to protect the health, safety, or welfare of the people in this state.

(7) Each institution with APPROVED STATUS must request in writing renewal approval on an annual basis. In deciding whether to grant any renewal, the Board may utilize any of the procedures contained in subsections (1) through (5) above.

Author: James S. Ward
Statutory Authority: Code of Ala. 1975, §§34-9-2, 34-9-43.
History: Filed September 28, 1982. **Amended:** February 14, 2005; effective March 21, 2005. **Amended:** Filed February 22, 2012; effective March 28, 2012. **Amended:** Filed April 17, 2013; effective May 22, 2013.

270-X-4-.04 Mandatory Continuing Education For Dentists And Dental Hygienists.

1. General. This rule sets forth the continuing education (CE) requirements for dentists and dental hygienists (licensees) in accordance with Ala. Code § 34-9-15(e). As prescribed in Ala. Code § 34-9-15, successful completion of continuing education program requirements shall be a requisite for renewal of licenses and permits. This rule shall apply to the renewal cycle beginning October 1, 2026, and each renewal cycle thereafter.

2. Definitions. As used in this Rule:

   a. Continuing Education Unit (CEU): One (1) hour of documented and approved CE earned related to a licensee's practice of dentistry.

   b. Renewal Cycle: The fixed period of time during which a license or permit remains valid upon issuance of a registration certificate, beginning on the effective date of that registration certificate and ending on its expiration date established by statute or Board rule.

   c. Approved Continuing Education: Training provided by national, state, district, or local dental or dental hygiene associations. Training provided by accredited dental or dental hygiene colleges or schools. Training submitted and approved by the Board. Training provided in an entirely self-study format must include a post-course assessment or competency evaluation.

3. General Rules of the Administration of Continuing Education

   a. All CEUs earned shall be completed and documented within the applicable renewal cycle.

   b. All licensees shall have an account through the Board-approved online CE platform.

   c. All licensees shall report CEUs by uploading proof of completion to their Board-approved online CE platform. Documentation must include the name of the licensee, date of completion, course title, location, number of CEUs, instructor(s) providing the education, and CE organization.

   d. All licensees shall comply with their corresponding CE requirements as set forth in Sections 4 or 5 as a condition of license renewal.

4. Continuing Education for Dentists

   a. Dentists shall complete CE at a rate of twenty (20) CEUs per each twelve (12) month period of the renewal cycle. This requirement shall be calculated proportionally based on the length of the renewal cycle.

      a. All dentists shall complete a minimum of one (1) CEU in each of the following subjects each renewal cycle:

         i. Prescribing controlled substances

         ii. Ethics (human trafficking, proper billing, abuse reporting, etc.)

iii. Infectious disease control

2. A dentist shall maintain a current certification in Basic Life Support (BLS) through the American Heart Association, American Red Cross, or an equivalent program with a hands-on portion. A dentist may report two (2) CEUs for completing a BLS certification every two (2) years.

   A dentist with any active sedation permit shall maintain a current certification in Advanced Cardiac Life Support (ACLS) training through the programs in 4(a)(2). Such dentists with a declared pediatric specialty may substitute Pediatric Advanced Life Support (PALS) for ACLS. A dentist may report up to four (4) CEUs for each approved advanced cardiopulmonary, resuscitative, or emergency airway management CE course completed every two (2) years.

   A dentist with any active sedation permit shall complete a minimum of one (1) CEU in the subject of sedation or anesthesia each renewal cycle.

   A dentist may report one (1) CEU per two (2) hours of documented pro bono charitable dental service, up to a maximum of four (4) CEUs each renewal cycle. Documentation must include the date, location, entity, and verifiable contact person of service provided and is subject to Board verification upon request.

   A dentist may report one (1) CEU per (1) hour teaching approved CE, up to a maximum of six (6) CEUs each renewal cycle. Documentation must include this instructor’s name as the primary presenter or instructor, the topic, the length of the training, the location, and the date/time of the presentation.

   A dentist may report up to two (2) CEUs for documented in person attendance of at least two (2) hours of a Board of Dental Examiners of Alabama meeting per renewal cycle. Board members are not eligible to report these CEUs.

   A dentist may report a maximum of three (3) CEUs for training in the areas of insurance, governmental regulations, risk management, tort liability and/or practice management each renewal cycle.

   A dentist may earn a maximum of eight (8) CEUs per calendar day.

5. Continuing Education for Hygienists

a. Dental Hygienists shall complete CE at a rate of twelve (12) CEUs per each twelve (12) month period of the renewal cycle. This requirement shall be calculated proportionally based on the length of the renewal cycle.

a. A dental hygienist shall complete a minimum of one (1) CEU in each of the following subjects each renewal cycle:

i. Ethics (human trafficking, proper billing, abuse reporting, etc.)

ii. Infectious disease control

2. A dental hygienist shall maintain a current certification in Basic Life Support (BLS) through the American Heart Association, American Red Cross, or an equivalent program with a hands-on portion. A dental hygienist may report two (2) CEUs for completing a BLS certification every two (2) years.

A dental hygienist may report one (1) CEU per two (2) hours of documented pro bono charitable dental service, up to a maximum of four (4) CEUs each renewal cycle. Documentation must include the supervising dentist, date, location, entity, and verifiable contact person of service provided and is subject to Board verification upon request.

A dental hygienist may report one (1) CEU per (1) hour teaching approved CE, up to a maximum of four (4) CEUs each renewal cycle. Documentation must include this instructor's name as the primary presenter or instructor, the topic, the length of the training, the location, and the date/time of the presentation.

A dental hygienist may report up to two (2) CEUs for documented in person attendance of at least two (2) hours of a Board of Dental Examiners of Alabama meeting per renewal cycle. Board members are not eligible to report these CEUs.

A dental hygienist may report a maximum of three (3) CEUs for training in the areas of insurance, governmental regulations, risk management, tort liability and/or practice management each renewal cycle.

A dental hygienist may earn a maximum of eight (8) CEUs per calendar day.

6. Licensees Excused from Continuing Education Requirements

   a. The following are exempt from the CE requirements of this rule:

      a. A dentist enrolled in a full-time post-graduate specialty training or residency program at a dental college or program accredited by the American Dental Association's Commission on Dental Accreditation (CODA) for at least six (6) months of that renewal cycle. To qualify, documentation of such enrollment, start date, and anticipated graduation date must be uploaded into the Board-approved online CE platform.

      2. A hygienist enrolled in a full-time academic program directly related to dentistry/dental hygiene for at least six (6) months of that renewal cycle. To qualify, documentation of such enrollment, start date, and anticipated graduation date must be uploaded into the Board-approved online CE platform.

         A licensee with a Board approved written waiver or extension of the continuing education requirements for a renewal cycle. A written request and supporting documentation for such waiver or extension must be received by the Board before the end of that renewal cycle. After review, the Board will notify the licensee in writing of approval or denial of the request.

7. Documentation and Audit Procedure: Consequences for Non-Compliance

   a. All licensees shall keep and maintain CE records for their current and previous five (5) years. All licensees are required to produce any documentation of CE requested by the Board and/or its designee within fourteen (14) days of written request or audit.

   b. The Board may randomly audit licensees each renewal cycle for their compliance with this rule in the immediately preceding renewal cycle. These licensees will be provided with written notification of their results within thirty (30) days of completion of their audit.

   c. Any licensee who fails to comply with any provision of this rule may be subject to disciplinary action, and/or, if applicable, a non-disciplinary administrative penalty under Rule 270-X-5-.09.

8. Criteria for Board Approved Continuing Education

   a. Courses that do not meet the criteria noted in 2(c) above may be submitted to the Board for consideration of approval. Courses should be submitted at least sixty (60) days in advance. The Board or designated staff may attend or audit any approved continuing education to ensure compliance with this rule. The Board reserves the right to approve or disapprove of any course submitted.

   b. Courses submitted will be approved or disapproved based on the following criteria:

      a. Didactic/clinical subject matter;

      b. Type of presenter/student participation;

      c. Outlined course objectives;

      d. Number of requested CEUs; and

      e. Primary presenter/instructor's qualifications.

9. License Application or License Reinstatement

   a. An applicant applying for a dental or dental hygiene license shall provide documentation of a current BLS certification.

   b. A licensee requesting reinstatement that has been placed in an expired or suspended status shall show continuing education up to five (5) years as described in 4(a) or 5(a). If their license is expired or suspended for more than five (5) years, the licensee shall be required to show continuing education as determined by the Board.

Author: Board of Dental Examiners
Statutory Authority: Code of Ala. 1975, §§34-9-2, 34-9-15, 34-9-18, 34-9-43.
History: Filed January 10, 1991; effective October 1, 1991. **Amended**: Filed April 3, 1997; effective May 8, 1997. **Amended**: Filed September 4, 1998; effective October 11, 1998. **Amended**: Filed July 11, 2003; effective August 15, 2003. **Amended**: Filed August 11, 2004; effective September 15, 2004. **Amended**: Filed February 14, 2005; effective March 21, 2005. **Amended**: Filed March 15, 2006; effective April 19, 2006. **Amended**: Filed July 29, 2008; effective September 2, 2008. **Amended**: Filed February 22, 2012; effective March 28, 2012. **Amended**: Filed May 5, 2016; effective July 1, 2016; operative October 1, 2016. **Repealed and New Rule**: Filed January 16, 2019; effective March 2, 2019. **Amended**: Published February 28, 2020; effective April 13, 2020. **Amended**: Published April 28, 2023; effective: June 12, 2023; operative October 1, 2023. **Amended**: Published September 29, 2023; effective

November 13, 2023. **Amended:** Published December 31, 2024; effective February 14, 2025. **Repealed and New Rule:** Published August 31, 2026; effective October 15, 2026.

270-X-4-.05 Infected Health Care Workers.

(1) The Board of Dental Examiners of Alabama adopts as its rule for the reporting, assessment and practice management of HBV and HIV infected health care workers the following: Chapter 420-4-3 (and all parts of that Chapter) entitled "Infected Health Care Workers" of the rules of the State Board of Health, Bureau of Disease Control adopted on November 16, 1994.

(2) All infected health care workers, as defined by law or the Rule referenced above, working in a dental office shall be required to conform to and comply with the provisions of Chapter 420-4-3 referenced above and this Rule. It is the responsibility of all currently licensed dentists/dental hygienists, dental assistants and all other personnel who provide or assist in the provision of dental/dental hygiene services to maintain familiarity with the provisions of Chapter 420-4-3 referenced above, this Rule and the Alabama Infected Health Care Worker Management Act.

(3) A copy of Chapter 420-4-3 entitled "Infected Health Care Workers" of the Rules of the State Board of Health, Bureau of Disease Control, the Policy and Procedures for compliance with the current recommendations and guidelines of the Centers for Disease Control and Prevention (C.D.C.) relating to infection control practices for dentistry and/or dental offices and Alabama's Infected Health Care Worker Management Act are available upon request from the Board.
Author: Board of Dental Examiners
Statutory Authority: Code of Ala. 1975, §§22-11A-70, 34-9-2, 34-9-15, 34-9-18, 34-9-43.
History: **New Rule:** Filed September 1, 1995; effective October 6, 1995. **Amended:** Filed March 24, 2004; effective April 28, 2004. **Amended:** Filed February 22, 2012; effective March 28, 2012.

270-X-4-.06 Limited Liability Companies.

(1) This rule is promulgated pursuant to the Alabama Limited Liability Act, Code of Ala. 1975, §10A-5, et seq. (hereinafter referred to as the "Act"). This rule is applicable to limited liability companies formed for the purpose of rendering dental professional services by dentists licensed to practice dentistry in the State of Alabama.

(2) Any dentist or group thereof licensed to practice dentistry in the State of Alabama who desire to render dental professional services as a limited liability company shall comply with the provisions of the Act and this rule.

(3) The names of limited liability companies shall be governed by the provisions of Code of Ala. 1975, §10A-1-5.06. If the name of the limited liability company utilizes the name or names of the dentist(s) who are members or employees of the limited liability company, then such name shall include the designation "D.M.D." or "D.D.S." whichever is appropriate. In addition, the following requirements shall be applicable to limited liability companies.

(a) Practicing dentists forming or who formed a limited liability company may practice under a name other than the one(s) of the participating dentist(s) only if the following requirements are met:

(i) That the name of the participating dentist(s) shall appear following or beneath the name selected.

(ii) That the names so selected should not suggest a non-profit or charitable activity or be false, fraudulent, misleading or deceptive.

(iii) That the name of the dentist(s) and the words "Limited Liability company" or the abbreviation "L.L.C.", as required by Code of Ala. 1975, §10A-1-5-.06 shall be displayed with similar prominence as the name so selected.

(4) Every limited liability company organized for the rendering of dental professional services shall file with the Board of Dental Examiners of Alabama a certified copy of the Articles of Organization and any and all subsequent amendments to those articles, changes of members of the limited liability company or changes in the business address of the limited liability company. As to limited liability companies formed after the effective date of this Rule, the filing referenced above shall be made within thirty (30) days of the effective date of the instrument or document filed. As to limited liability companies in existence on the effective date of this Rule, the filings referenced above shall be made within thirty (30) days of that effective date.

(5) Every limited liability company governed by the provisions of the Act shall file with the Board of Dental Examiners of Alabama a certified copy of the Articles of Dissolution or Articles of Merger within thirty (30) days of the dissolution or merger.

(6) Dentists licensed to practice dentistry who render dental professional services as a limited liability company shall comply with the conditions, requirements and restrictions of Code of Ala. 1975, §10A-5-8.01. A limited liability company organized to render

dental professional services, foreign or domestic, may render dental professional services in Alabama only through individuals licensed to practice dentistry in the state of Alabama.

(7) In addition to the requirements of Code of Ala. 1975, §10A-5-8.01(i), no interest may be transferred until there is presented to and filed with the limited company a certificate by the Board of Dental Examiners of Alabama stating that the individual to whom the transfer is made is licensed to practice dentistry in the State of Alabama.

(8) No employee of a limited liability company who is not licensed to practice dentistry shall participate in any decision constituting the practice of dentistry or shall interfere with the exercise of the independent professional judgment of a dentist in matters related to the practice of dentistry. In addition, a dentist's actions with respect to the practice of dentistry shall not be subject to the control of any individual not licensed to practice dentistry, including but not limited to those matters set forth in Code of Ala. 1975, §34-9-9(b).

(9) A foreign limited liability company rendering dental professional services in the State of Alabama shall, in addition to the requirements of Code of Ala. 1975, §10A-5-8.01, be subject to the following:

(a) All members or employees of a foreign limited liability company who render dental professional services in Alabama shall be dentists licensed to practice dentistry in the State of Alabama.

(b) Filing with the Board of Dental Examiners of Alabama the registration form required by Code of Ala. 1975, §10A-1-3.01, the Certificate of Formation referenced in Code of Ala. 1975, §10A-1-3.05 and the Certificate of Withdrawal required by Code of Ala. 1975, §10A-1-7.11. These documents shall be filed within thirty (30) days of their filing with the Secretary of State. As to those foreign limited liability companies registered on the effective date of this Rule, the above referenced filings shall be made within thirty (30) days of that effective date.

Author: Board of Dental Examiners
Statutory Authority: Code of Ala. 1975, §§10-12-45, 34-9-43(2)
History: New Rule: Filed March 23, 2001; effective April 27, 2001. **Amended:** Filed February 22, 2012; effective March 28, 2012.

270-X-4-.07 Registered Limited Liability Partnerships.

(1) This rule is promulgated pursuant to the Alabama Limited Liability Partnership Act, Code of Ala. 1975, §10-A-5-8.01. This

rule is applicable to professional registered limited liability partnerships formed for the purpose of rendering dental professional services by dentists licensed to practice dentistry in the State of Alabama.

(2) Any dentist licensed to practice dentistry in the State of Alabama who desire to render dental professional services as a professional registered limited liability partnership shall comply with the provisions of Code of Ala. 1975, §10-A-5-8.01 and this Rule.

(3) The names of professional registered limited liability partnerships formed by dentists shall be governed by the provisions of Code of Ala. 1975, §10A-1-5.06. If the names of the professional registered limited liability partnership utilizes the name or names of the dentists who are partners or employees of the professional registered limited liability partnership, then such name shall include the designation "D.M.D." or "D.D.S." whichever is appropriate. In addition, the following requirements shall be applicable to professional registered limited liability partnership.

(a) Practicing dentists forming or who formed a professional registered limited liability partnership may practice under a name other than the one(s) of the participating dentist(s) only if the following requirements are met:

1. That the name of the participating dentist(s) shall appear following or beneath the name selected.

2. That the name so selected should not suggest a non-profit or charitable activity or be false, fraudulent, misleading or deceptive.

3. That the name of the dentist(s) and the words "Registered Limited Liability Partnership" or the abbreviation "L.L.P.", as required by Code of Ala. 1975, §10A-1-5.07 shall be displayed with similar prominence as the name so selected.

(4) Every professional registered limited liability partnership organized for the rendering of dental professional service shall file with the Board of Dental Examiners of Alabama a certified copy of the Registration and any all amendments to the Registration, a complete list of the names and addresses of the partners, changes of the partners of the professional registered limited liability partnership or changes in the business address of the professional registered limited liability partnership.

As to professional registered limited liability partnerships formed after the effective date of this Rule, the filing referenced above shall be made within thirty (30) days of the effective date of the instrument or document filed. As to

professional registered limited liability partnerships in existence on the effective date of the Rule, the filings referenced above shall be made within thirty (30) days of that effective date.

(5) Every professional registered limited liability partnership governed by the provisions of the Act shall file with the Board of Dental Examiners of Dental Examiners of Alabama a certified copy of a Termination Notice or Statement of Cancellation of Registration within thirty (30) days of the dissolution or cancellation.

(6) Dentists licensed to practice dentistry who render dental professional services as a professional registered limited liability partnership shall comply with the conditions and restrictions of Code of Ala. 1975, §10A-8-10.10. A professional registered limited liability partnership organized to render dental professional services, foreign or domestic, may render dental professional services in Alabama only through individuals licensed to practice dentistry in the state of Alabama.

(7) In addition to the requirements of Code of Ala. 1975, §10A-8-10.10(h), no interest may be transferred until there is presented to and filed with the professional registered limited liability partnership a certificate by the Board of Dental Examiners of Alabama stating that the individual to whom the transfer is made is licensed to practice dentistry in the State of Alabama.

(8) No employee of a professional registered limited liability partnership who is not licensed to practice dentistry shall anticipate in any decision constituting the practice of dentistry or shall interfere with the exercise of the independent professional judgment of a dentist in matters related to the practice of dentistry. In addition, a dentist's actions with respect to the practice of dentistry shall not be subject to the control of any individual not licensed to practice dentistry, including but not limited to those matters set forth in Code of Ala. 1975, §34-9-9(b).

(9) A foreign professional registered limited liability partnership rendering dental professional services in the State of Alabama shall, in addition to the requirements of Code of Ala. 1975, §10A-8-10.10, be subject to the following:

(a) All partners or employees of a foreign professional registered limited liability partnership who render dental professional services in Alabama shall be dentists licensed to practice dentistry in the State of Alabama.

(b) Filings with the Board of Dental Examiners of Alabama the registration form required by Code of Ala.1975, §10A-8-10.06 and the withdrawal notice referenced in Code of Ala. 1975,

§10A-8-10.06. Both these documents shall be filed within thirty (30) days of their filing with the Secretary of State. As to those foreign professional registered limited liability partnership registered on the effective date of this Rule, the above referenced filings shall be made within thirty (30) days of that effective date.

Author: Board of Dental Examiners
Statutory Authority: Code of Ala. 1975, §§10A-1-5-.06, 10A-1-5-.07, 10A-5-8-.01, 10A-8-10.06, 10A-8-10-.10, 34-9-43.
History: **New Rule:** Filed March 23, 2001; effective April 27, 2001. **Amended:** Filed February 22, 2012; effective March 28, 2012. **Amended:** Filed January 16, 2013; effective February 20, 2013.

270-X-4-.08 Advertising.

(1) A dentist shall not make or cause to be made a false communication about the dentist or the dentist's services. A communication is false if it contains a material misrepresentation of fact or law.

(2) A communication is defined as information in any manner or medium designed or intended to attract public attention to the dentist or his/her practice and shall include any "advertisement" as that term is defined in Code of Ala. 1975, §34-9-19.

(3) Any/all advertisements for a dental practice/organization must include at least one dentist's name (working within the practice/organization) and/or the practice/organization name.

Author: James S. Ward
Statutory Authority: Code of Ala. 1975, §§34-9-19(j), 34-9-43(1).
History: **New Rule:** Filed August 11, 2004; effective September 15, 2004. **Repealed and New Rule:** Filed July 21, 2009; effective August 25, 2009. **Amended:** Filed February 22, 2012; effective March 28, 2012.

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: 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 November 27, 2024; effective January 11, 2025.

270-X-4-.10 Registration Of A 501(c)(3) Dental Clinic.

(1) Every 501(c)(3) nonprofit entity that operates one or more dental clinics must register with the Board. Registration shall consist of completing the registration form for each clinic operated by the 501(c)(3) entity. The information required on the registration form shall be the following:

(a) Name, address, phone number and after hours contact information of the 501(c)(3) entity.

(b) The name and contact information of the Chief of Dental Services of the 501(c)(3) entity if the 501(c)(3) entity is operating multiple clinics.

(c) Name, address, phone number and after hours contact information for each clinic operated by the 501(c)(3) entity.

(d) A list of all licensed dentists and hygienists that work for the 501(c)(3) entity. All licensees must have all applicable licenses and registrations as required by this chapter. Any changes to the employment/volunteer status of these licensees must be reported to the Board within thirty (30) days.

(e) A copy of the Articles of Incorporation of the 501(c)(3) entity.

(f) A valid copy of the IRS Determination Letter of the 501(c)(3) entity.

Author: Susan F. Wilhelm
Statutory Authority: Code of Ala. 1975, §§34-9-7.2, 34-9-15, 34-9-17.
History: **New Rule:** Filed November 6, 2012; effective December 11, 2012. **Amended:** Filed March 3, 2015; effective April 7, 2015.

270-X-4-.11 Licenses For Qualified Military Servicemembers And Their Spousess.

(1) **General.** This Rule implements the requirements of Section 19 of Public Law No. 117-333, 50 U.S.C. §4025A, commonly known as "The Military Spouse Licensing Relief Act." In accordance with the Act, a Service-Connected Practitioner who holds a license to practice dentistry or dental hygiene in a state other than Alabama will be granted a license to practice dentistry or dental hygiene in Alabama, subject to the conditions and procedures set forth in this Rule.

(2) **Definitions**. As used in this Rule:

(a) "Active Practice" shall have the meaning set forth in Rule 270-X-5-.11.

(b) "Service-Connected Practitioner" means a servicemember as defined in 50 U.S.C. §3911(a), and the spouse of the servicemember.

(c) "Military Orders" means a Permanent Change of Station (PCS) order, or an equivalent order issued by a military authority that requires the Service-Connected Practitioner to change his or her residency.

(d) "Qualifying License" means a license to practice dentistry or dental hygiene issued by the applicable licensing authority of any of the United States other than the State of Alabama, or the District of Columbia.

(e) "Good Standing" means that the license referred to is active and is not suspended, revoked, surrendered, restricted, conditioned, under probation, or otherwise in a status that in any manner restricts the activities of the licensee under the authority of the license.

(3) **Qualification for, and Grant of, License**. A Service-Connected Practitioner who:

(a) holds one or more Qualifying License(s), all of which are in Good Standing;

(b) has, pursuant to the Qualifying License(s), engaged in the Active Practice of dentistry or dental hygiene for the 24 months preceding the Military Orders;

(c) because of Military Orders, relocates his or her residency from a place outside Alabama to a place within Alabama; and

(d) submits to the Executive Director a completed application, supporting documentation, and the processing fee prescribed in this Rule shall be issued a license to practice dentistry or dental hygiene, as applicable, in the State of Alabama.

(4) **Procedure**. The Executive Director shall create and publish an application form by which Service-Connected Practitioners may apply for a license under this Rule. The request form shall require the Service-Connected Practitioner to provide sufficient information to substantiate his or her eligibility for issuance of a license under this Rule. The application form may request any other information that the Executive Director reasonably considers to be relevant. In addition to the completed application form, the Service-Connected Practitioner shall provide copies of the Military Orders and all of his or her Qualifying License(s), and

shall remit a one-time processing fee of $50.00. The Executive Director shall present all completed applications to the board at a public meeting for final disposition.

(5) **Scope of Practice**. A Service-Connected Practitioner who is issued a license under this Rule is authorized to practice within the scope of practice for dentistry or dental hygiene, as applicable, as defined in Alabama law. For dentists, *see* Code of Ala. 1975, §34-9-6; for hygienists, *see* Rule 270-X-3-.10.

(6) **Submission to Jurisdiction**. A Service-Connected Practitioner who is issued a license under this Rule shall be subject to the regulatory and disciplinary jurisdiction of the Board.

(7) **Continuing Education.** A Service-Connected Practitioner who is issued a license under this Rule shall comply with the continuing education requirements imposed by Code of Ala. 1975, §34-9-15(b) and Rule 270-X-4-.04.

(8) **Other Requirements**. This Rule does not fulfill, or excuse the Service-Connected Practitioner from, any applicable requirement to obtain a DEA registration for an Alabama location pursuant to 21 C.F.R. §1301.12, an Alabama Controlled Substances Certificate pursuant to Code of Ala. 1975, §20-2-50, *et seq.*, anesthesia permits pursuant to Code of Ala. 1975, §34-9-60, *et seq.*, or any other applicable license, permit, fee, tax, or assessment.

(9) **Automatic Termination of License**. A license issued under this Rule shall terminate automatically and immediately, by operation of law, upon the occurrence of any one or more of the following events or conditions:

(a) If any Qualifying License held by the Service-Connected Practitioner ceases to be in Good Standing (except for a Qualifying License that becomes inactive because of voluntary surrender, voluntary non-renewal, or similar voluntary actions taken for non-disciplinary reasons while the Service-Connected Practitioner is not under investigation for any violation of professional standards or duties, as long as the Service-Connected Practitioner continues to hold one or more Qualifying License(s));

(b) If the Service-Connected Practitioner moves his or her residence out of the State of Alabama; or

(c) In the case of a Service-Connected Practitioner who is a spouse of a servicemember as defined in 50 U.S.C. §3911(a), if the Service-Connected Practitioner and the servicemember cease to be legally married.

(10) **Annual Registration**. Between September 1 and September 30 of each calendar year, each Service-Connected Practitioner who holds a license issued pursuant to this Rule shall complete the annual

registration process outlined in Code of Ala. 1975, §34-9-15(a), including the payment of the applicable annual registration fee. As part of the annual registration process, each Service-Connected Practitioner who holds a license issued pursuant to this Rule shall be required to verify that he or she still meets all of the criteria outlined in subsections (3)(a)-(c) of this Rule.
Author: Board of Dental Examiners of Alabama
Statutory Authority: 50 U.S.C. §4025A; Code of Ala. 1975, §34-9-43(a)(10).
History: **New Rule:** Published July 31, 2023; effective September 14, 2023.

270-X-4-.12 Waiver Of Annual Registration Fees When Retired Due To Age Or Physical Disability.

(1) General. The board shall waive the annual registration fees assessed pursuant to Ala. Code §34—9—15 for any dentist or dental hygienist who has retired from professional practice due to age or physical disability. In order to qualify for the annual registration fee waiver, the dentist or dental hygienist must be "retired," and the dentist's or dental hygienist's retirement must be due to either "age" or "physical disability." This Rule formalizes the procedures and standards that the board will apply in implementing this statutory requirement.

(2) Definitions. As used in this rule:

(a) "Retired" means that the dentist or dental hygienist does not practice dentistry or dental hygiene for compensation. The practice of dentistry or dental hygiene for compensation to a de minimis degree will be disregarded for purposes of this definition.

(b) "Age" means that the dentist or dental hygienist has attained the age of 65 years by October 1 of the license renewal year for which the fee waiver is requested.

(c) "Physical disability" means a documented malady or disease, reasonably permanent in nature, that causes the licensee to be unable to practice dentistry or dental hygiene for more than 10 hours per week.

(3) Waiver Applies Only to License to Practice Dentistry or Dental Hygiene. The annual registration fee waiver provided for in Ala. Code §34—9—15(d)(1) applies only to the annual renewal fee applicable to the license to practice dentistry or dental hygiene. It does not apply to annual renewal fees for the Alabama Controlled Substances Certificate, anesthesia permits, or any other applicable license, permit, fee, tax, or assessment.

(4) Effect on Continuing Education Requirements. The annual registration fee waiver provided for in Ala. Code §34—9-15(d)(1) does not excuse the licensee from continuing education requirements imposed by Ala. Code §34—9—15(e) and Rule 270—X—4-.04. A license who qualifies for an annual registration fee waiver under this Rule may, however, apply for a separate deferral of continuing education requirements as provided for in subsection (6) of this Rule.

(5) Procedure. The Executive Director shall create and publish a request form by which licensees may request an annual registration fee waiver (and, if applicable, a deferral of continuing education credits) under this Rule. The request form shall require the requestor to provide sufficient information to substantiate his or her request for annual registration fee waiver. In order to be considered, the licensee shall submit a completed request form to the Executive Director no later than August 1 preceding the license renewal cycle that commences on September 1 of the applicable year. The Executive Director shall present all completed applications to the board at a public meeting for final disposition. The licensee must complete and submit a new request form each year for which an annual registration fee waiver is requested, in order to verify that the qualifying conditions of retirement and either age or physical disability still exist. The board shall grant the registration fee waiver to all dentists and dental hygienists who timely file an application demonstrating entitlement thereto.

(6) Deferral of Continuing Education Requirements. When a dentist or dental hygienist submits a request for an annual registration fee waiver under this Rule, the licensee may also request a deferral of the obligation to earn continuing education credits under Rule 270-X-4-.04. All such requests must be made using the same form, and at the same time, as the request for waiver of the annual registration fee. The Executive Director shall present all completed applications to the board at a public meeting for final disposition. The approval or denial of deferral of continuing education requirements is within the exclusive discretion of the board. If a dentist or dental hygienist is granted one or more deferrals of continuing education requirements and subsequently ceases to qualify for waiver of the annual registration fee under this Rule, then, as a condition of any subsequent license registration, the licensee shall be required to demonstrate that he or she has earned all continuing education credits for all years for which the deferral was previously granted.

Author: Board of Dental Examiners of Alabama

Statutory Authority: Code of Ala. 1975, §8-1A-18(a)(1), 34-9-43. State of Alabama, Office of Information Technology, Policy No. 115-01 (January 5, 2021).

History: **New Rule:** Published September 29, 2023; effective November 13, 2023.

270-X-4-.13 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:

1. Hold an active and unrestricted license to practice dentistry in the State of Alabama;

2. Reside full-time in the State of Alabama; and

3. 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:

1. 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;

2. Demonstrate commitment to the goals of the Committee, as well as commitment to public safety;

3. 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 Ala. 1975, §§34-9-43(a)(10), 34-38-1 et seq.

History: **New Rule:** Published March 29, 2024; effective May 13, 2024.