

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-.04

Rule Title: Mandatory Continuing Education For Dentists And
Dental Hygienists

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

Date

Friday, June 7, 2024

REC'D & FILED
JUN 7, 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-.04 Mandatory Continuing Education For
Dentists And Dental Hygienists

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to amend its existing rule regarding continuing education requirements for dentists and dental hygienists

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, 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. and 5:00 p.m. Monday through Friday, until and including August 2, 2024. Persons wishing to submit data, views, or comments should contact W. Blake Strickland by email (blake@dentalboard.org) during the comment period. Interested persons may also present comments at a public meeting/hearing to be held on August 16, 2024. Copies of proposed rules may be obtained on the Board's website, www.dentalboard.org.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, August 2, 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

W. Blake Strickland

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

Mandatory Continuing Education For Dentists And Dental Hygienists.~~(1)~~ 1. DEFINITIONS

- a. Live Training-The primary presenter or instructor is physically present at the same location as the student and is presenting information in real time.
- b. Online Training-The primary presenter or instructor is located at a different physical location than the student and is presenting information in real time or pre-recorded by means of an internet-based platform or other media. The student may be required to interact with the presenter during the actual presentation.

2. NUMBER OF HOURS~~(a)~~ —

- a. Dentists shall complete twenty (20) ~~hours~~ of continuing education every year (annually) as a condition of licensure renewal. All continuing education hours earned shall be completed and submitted within the renewal period in which they were earned. ~~as a condition of licensure renewal. No more than one-half (1/2) of the hours can be completed or satisfied by analog and/or digital media, journals, publications, internet courses,~~

—

1. A minimum of ten(10) hours shall be live training. ~~correspondence courses, or distance-based education whether by video or audio format. It shall be the responsibility of each~~
2. A dentist shall maintain dentist to submit on an annual basis an affidavit or other form approved and provided by the Board of Dental Examiners of Alabama to demonstrate compliance with this requirement. The required hours must be completed in the twelve (12) month period beginning October 1 of each year and ending September 30 of the next year. The period shall begin on the date of the initial certification or on the date of any subsequent recertification. The specific dental continuing education requirements are as follows:
 - (i) ~~Dentists must maintain current certification in cardiopulmonary resuscitation (CPR) at the basic or advanced support level~~ a current

certification in Basic Life Support (BLS) training through the American Heart Association, American Red Cross, or an equivalent program. This program shall be completed through live training and certified for four (4) hours. This is a 2-year certification; however, the hours shall only apply to the renewal period in which they were completed.

3. A dentist shall complete a minimum of one (1) hour of prescribing of controlled substances training annually.
4. A dentist holding an active sedation or anesthesia related permit (e.g., oral conscious sedation, parenteral sedation, general anesthesia) shall maintain a current certification in Advanced Cardiac Life Support (ACLS) training through the American Heart Association, American Red Cross, or an equivalent program. ~~During the two-year CPR certification term, a dentist may apply only four (4) hours of CPR training to their annual twenty (20) hour requirement in the renewal period during which they were earned.~~For dentists with a declared pediatric specialty, Pediatric Advanced Life Support (PALS) may be substituted for ACLS. The ACLS or PALS program shall be completed through live training. This is a 2-year certification; however, the hours shall only apply to the renewal period in which they were completed.
(ii)
5. A dentist with an active oral conscious sedation permit shall complete a minimum of two (2) hours of training related to sedation and/or anesthesia annually. ~~Dentists must maintain current certification in infectious disease control as it relates to the dental office or to the~~
6. A dentist shall complete a minimum of one (1) hour of training in infectious disease control annually. ~~practice of dentistry. Dentists must achieve a minimum of one (1)~~

~~hour of Continuing Education in the subject of infectious disease control every~~

7. A dentist shall ~~two (2) years.~~

~~(iii) Dentists must achieve a minimum of one (1) hour of Continuing Education in the subject of prescribing controlled substances every two (2) years.~~ complete a minimum of one (1) hour

~~(iv) Beginning with the Continuing Education cycle that begins on October 1, 2023, Dentists must achieve a minimum of one (1) hour of Continuing Education in the subject of ethical considerations in the practice of dentistry each year.~~ of ethical considerations in the practice of dentistry training annually.

8. A dentist may earn up ~~The criteria for approval of ethics Continuing Education are set forth below in subsection (5)(g) of this Rule.~~

~~(v) Dentists who hold an Oral Conscious Sedation Permit must also complete a minimum of two (2) hours of Continuing Education in the subject of sedation and/or anesthesia every two (2) years.~~ to a

~~(vi) The combined number of hours of continuing education training in the course areas of insurance, governmental regulations, and tort liability and/or risk management shall not exceed a total of four (4) hours for the annual renewal period.~~ maximum of four (4) hours

~~(vii) Practice management courses shall not exceed a total of three (3) hours for the annual renewal period.~~

~~At least half of all continuing education must be attributed to the practice of dentistry. All hours earned for continuing education must be submitted in the renewal period during which they were earned.~~

~~(b) Dental Hygienists shall complete twelve (12) hours of continuing education every year as a condition of licensure renewal. No more than one half (1/2) of the hours can be completed or satisfied by analog and/or digital media, journals, publications, internet courses, correspondence courses or distance based education whether by video or audio format. It shall be the responsibility of each dental hygienist to submit on an annual basis an affidavit or other form approved and provided by the Board of Dental Examiners of Alabama to demonstrate compliance with this requirement. The required hours must be completed in the twelve (12) month period beginning October 1 of each year and ending September 30 of the next year. The period shall begin on the date of the initial certification or on the date of any subsequent recertification. The specific dental hygiene continuing education requirements are as follows:~~

~~(i) Dental hygienists must maintain current certification in cardiopulmonary resuscitation (CPR) at the basic support level through the American Heart Association, American Red Cross, or an equivalent program. This requirement must be satisfied by completing an in-person training course. During the two-year CPR certification term, a dental hygienist may apply only two (2) hours of CPR training to their annual requirement in the renewal period during which they were earned.~~

~~(ii) Dental hygienists must maintain current certification in infectious disease control as it relates to the dental office or to the practice of dentistry. Dental hygienists must achieve a minimum of one (1) hour of Continuing~~

~~Education in the subject of infectious disease control every two (2) years.~~

~~(iii) Beginning with the Continuing Education cycle that begins on October 1, 2023, Dental Hygienists must achieve a minimum of one (1) hour of Continuing Education in the subject of ethical considerations in the practice of dental hygiene each year. The criteria for approval of ethics Continuing Education are set forth below in subsection (5)(g) of this Rule.~~

~~(iv) The combined number of hours of continuing education training in the course areas of insurance, governmental regulations, and tort liability and/or risk management shall not exceed a total of four (4) hours for the annual renewal period.~~

~~(v) Practice management courses shall not exceed a total of three (3) hours for the annual renewal period.~~

~~At least half of all continuing education must be attributed to the practice of dental hygiene. All hours earned for continuing education must be submitted in the renewal period during which they were earned.~~

~~(c) Dentists/dental hygienists will be allowed up to four (4) hours of credit for the twelve-month period for pro bono charitable work performed within the State of Alabama. Any such work by a dental hygienist must be under the direct supervision of a dentist licensed in the State of Alabama. One~~
for pro bono charitable work performed within the state of Alabama. One (1)
hour of continuing education credit shall be awarded for every two (2) hours of documented service.

~~(d)~~

- b. Dental hygienists shall complete twelve (12) hours of continuing education every year as a condition of licensure renewal. All continuing education hours earned shall be completed and submitted within the renewal period in which they were earned. ~~Licensees who have graduated or completed a dental residency in the year of their initial licensure shall only be required to accrue and prove compliance with required hours of continuing education through the end of the subsequent year following licensure. Thereafter said licensees shall comply with continuing education requirements set forth above. However, said licensees must be able~~

—

1. A minimum of six(6) hours shall be live training.
2. A dental hygienist shall maintain a current certification in Basic Life Support (BLS) training through the American Heart Association, American Red Cross, or an equivalent program. This program shall be completed through live training and certified for four (4) hours. This is a 2-year certification; however, the hours shall only apply to the renewal period in which they were completed. ~~to prove compliance with this rule regarding CPR and~~
3. A dental hygienist shall complete a minimum of one (1) hour of training in infectious disease control annually ~~infectious disease control certifications.~~
4. A ~~RECORD KEEPING, REPORTING, AND MONITORING.~~

~~(a) It is the responsibility of each dentist/dental hygienist to maintain and compile accurate records relating to all continuing education courses or activities they have attended and completed. Accurate records shall mean a certification or evidence of attendance at any continuing education courses. It shall be the responsibility of each dentist/dental hygienist to maintain the above described documentation and information pertaining to each year for a period of two (2) years and this information shall be submitted to the Board of~~

~~Dental Examiners of Alabama within thirty (30) days after a request for the same by the Board.~~

~~(b) Each dentist/dental hygienist must submit during the license renewal period of each calendar year, evidence or documentation of satisfactory completion of the required hours of continuing education provided for in these rules. This information shall be submitted on an affidavit and/or other means to be approved and provided by the Board of Dental Examiners of Alabama. Upon receipt of this information it shall be reviewed by the Board of Dental Examiners of Alabama and the dentist/dental hygienist shall then be notified that either:~~dental hygienist shall complete a

~~1. They have fulfilled the requirements of these rules and their annual registration will be issued,~~or minimum of one

~~2. They will be notified there are deficiencies or non-compliance with these rules and they will be subject to a non-disciplinary administrative penalty as set forth in Board Rule 270-X-5.09(1)(e).~~

~~(c) Any dentist/dental hygienist who receives notification that they will be subject to a non-disciplinary administrative penalty because of non-compliance with these rules may appeal in writing to the Board of Dental Examiners of Alabama within Thirty (30) days from the date of the Board's notification to them of their non-compliance. Upon the receipt of the written appeal, the Board may request the submission of additional information or records or may require the dentist/dental hygienist to appear before the Board in connection with the appeal.~~

~~(3) AUDITING. The Board of Dental Examiners of Alabama may randomly audit the continuing education documentation or information to be maintained or submitted~~

~~by each dentist/dental hygienist as described herein to assure compliance with these rules. Failure to maintain the documentation or information set forth in these rules, the submission of false or misleading information or documentation to the Board, or failure to submit requested documentation or information within the time specified by the Board may subject the dentist/dental hygienist to a non-disciplinary administrative penalty.~~

~~(4) WAIVER. Upon written request to the Board of Dental Examiners of Alabama, and upon the demonstration of good and sufficient cause, the Board may grant a waiver or extension of time for the completion of the annual hour requirements for continuing education as set forth herein. Any such request must be received by the Board prior to September first (1st) of the year in which the waiver or extension applies. Any such request received after the above referenced date will be considered untimely and denied. The dentist/dental hygienist who seeks such a waiver or extension shall submit to the Board any documentation required by the Board which the Board deems appropriate for it to make a decision concerning that waiver or extension.~~

~~(5) CRITERIA FOR APPROVAL OF CONTINUING EDUCATION.~~

~~(a) Continuing dental education may include, but is not limited to, attendance at lectures, study clubs, college and post graduate courses, scientific sessions of conventions, research, graduate studies, teachings, service as a clinician, analog and/or digital media, journals, internet courses, publications, or correspondence courses. Continuing education programs may include, but are not limited to, programs that address any of the following:~~

- ~~1. Competency in treating patients who are medically compromised or who experience medical emergencies~~

~~during the course of dental treatment;~~

~~2. Knowledge of pharmaceutical products and the protocol of the proper use of medications or controlled substances;~~

~~3. Competency to diagnose oral pathology;~~

~~4. Awareness of currently accepted methods of infection control;~~

~~5. Basic medical and scientific subjects including but not limited to biology, physiology, pathology, biochemistry and pharmacology, analgesia, diet and nutrition, microbiology, anatomy, dental anatomy, microscopic anatomy, chemistry, organic chemistry, and neurology;~~

~~6. Clinical and technological subjects including but not limited to techniques and procedures in general dentistry or recognized specialties, dental materials and equipment, diagnosis and treatment planning, asepsis and sterilization techniques and radiology;~~

~~7. Subjects pertinent to health and safety including but not limited to public health problems, communicable diseases, emergency care, cardiopulmonary resuscitation, advanced life support, patient stress management, the laws and rules governing the practice of dentistry/dental hygiene, and ethical considerations in the practice of dentistry/dental hygiene; and~~

~~8. Insurance, governmental regulations and tort liability and/or risk management.~~

~~(b) Programs or courses that focus on the following areas cannot be considered acceptable or satisfactory continuing education:~~

~~1. Personal finances;~~

~~2. Presentations by political or public figures or other persons who~~

~~do not deal primarily with dental or dental hygiene practice;~~
~~3training annually.~~

5. A dental hygienist may Personal motivational courses; and

~~4. Basic educational or cultural subjects not directly related to the practice of dentistry/dental hygiene, outside the scope of the dentist/dental hygienist's practice or inconsistent with the dentist/dental hygienist's scope of practice~~
earn up to a maximum of four (4) hours for pro bono charitable work performed within the state of Alabama.

~~(c) One (1) hour of continuing education credit shall be given for each hour of attendance and an hour of attendance shall be defined as exceeding fifty (50) minutes. Two (2) hours of~~
One (1) hour of continuing education credit shall be awarded for every two (2) hours of documented service. Any such service must be completed under the direct supervision of a dentist actively licensed in the state of Alabama.

3. LICENSEES EXCUSED FROM CONTINUING EDUCATION REQUIREMENTS

- a. A dentist enrolled full-time in a post graduate specialty training or residency program at a dental college accredited by the American Dental Association's Commission on Dental Accreditation is excused from the requirements in 2(a). The dentist shall provide documentation of their enrollment during the annual renewal as described in 4(d).
- b. A licensee may submit a written request to the Board requesting a waiver or extension of the continuing education requirements for a specific annual cycle. The written request and supporting documentation must be received by the Board no later than September 1st of the annual continuing education cycle in which the waiver or extension is to apply. Upon review, the Board shall notify the licensee in writing of their approval or denial of the request.

4. RECORD KEEPING, REPORTING, AND MONITORING

- a. Licensees shall document continuing education by uploading proof of completion to their online continuing education account maintained within the board-approved online platform (i.e., CE Broker).
- b. Proof of completion documents shall include, at a minimum, the subject matter, the name of the licensee, the date the training occurred, the number of approved continuing education hours, the entity or instructor providing the training, and the location the training occurred.
- c. Documentation regarding pro bono charitable work shall include, at a minimum, the name of the licensee, the date and location the service was provided, the beginning and ending time the service was provided, the entity the service was provided on behalf of, and the name and phone number of a contact person that can verify the service was provided.
- d. A dentist enrolled full-time in a post graduate specialty training or residency program at a dental college accredited by the American Dental Association's Commission on Dental Accreditation, shall upload a letter from their specialty training or residency program indicating the start date and anticipated graduation date of their training. This document is required to renew their dental license with the Board.
- e. An applicant applying for a dental or dental hygiene license shall, at a minimum, provide documentation of completion of BLS and Infectious Disease Control training.
- f. It is the responsibility of the licensee to maintain continuing education records for a period of two (2) years in a manner prescribed by the Board.

5. AUDIT PROCEDURES

- a. The Board shall conduct random audits of the continuing education documents uploaded by licensees into their online continuing education account. The scope of the random audit will be determined by the Executive Director.

- b. Any documented continuing education training that does not appear to be related to the practice of dentistry or fall within the established scope of practice for a licensee shall be reviewed by a designee of the Board prior to being accepted or denied as part of an audit.
- c. A licensee chosen for audit shall receive notification of the results of the audit.
- d. A licensee that does not successfully pass an audit shall be subject to the provisions of Alabama Administrative Code, r. 270-X-5-.09 "Non-disciplinary Administrative Penalties"

6. GENERAL CRITERIA FOR APPROVED CONTINUING EDUCATION

- a. Continuing education credit shall be awarded at the rate of one (1) hour for every fifty (50) minutes of instruction. ~~education credit shall be given for each hour taught~~
- b. Continuing education for licensees should be related to the practice of dentistry or dental hygiene and fall within their established scope of practice.
- c. Training provided by ~~by a dentist/dental hygienist at a continuing education program provided, however, that no more than one half (1/2) of the annual required hours can be completed or satisfied in this manner. A dentist/dental hygienist cannot attain more than eight (8) hours of continuing education credit for any one day.~~
 - ~~(d) Programs meeting the general requirements of paragraph 5(a) above may be developed and offered to dentists/dental hygienists by any of the following agencies or organizations:~~
 - 1. ~~National, state, district or local dental/~~ national, state, district, or local dental or dental hygiene associations shall be recognized as approved training.
 - 2.
- d. Training provided by accredited dental or dental hygiene colleges or schools shall be recognized as approved training ~~Accredited dental/dental hygiene colleges or schools.~~
- e. A licensee that is the primary presenter or instructor of continuing education training may submit the training

for continuing education credit that is eligible to be applied to their individual professional license or permit. The rate of two (2) hours of credit for each one (1) hour of instruction presented shall be awarded. Documentation of this instruction must show the licensee's name as the primary presenter or instructor, the topic, the length of the training, the location, and the date/time of the presentation.

~~(e)~~

7. CRITERIA FOR SUBMITTING TRAINING FOR BOARD APPROVAL

a. Courses that do not meet the criteria noted in 6(c, d) above may be submitted to the Board, or designee, for pre-approval. Once approved, the course shall be accepted by the Board when submitted by licensees towards their annual continuing education requirements. Courses should be submitted at least thirty (30) days in advance to ensure approval prior to presentation. Approved courses that will be continually available shall be reviewed for continued approval at a minimum of every two (2) years to ensure compliance with established criteria. The Board reserves the right to approve or deny course submissions. A designee of the Board may attend or audit any approved courses to ensure compliance with this rule.
~~may be approved by the Board, or its designee, if the following five (5) criteria are submitted to the Board at least two months in advance of a course's being presented (the Board will not approve courses in retrospect)~~

b. Courses submitted for approval shall have documentation of, at a minimum:

~~1.~~

1. Didactic/clinical subject matter;

~~2.~~

2. Type of presenter/student ~~Lecture~~ participation;

~~3.~~

3. Outlined course ~~Outline~~ objectives;

~~4.~~

4. Number of requested continuing education credit hours ~~Hours commensurate with time spent;~~

5. Primary and,

~~5. Presenter~~ presenter/instructor's qualifications.

~~(f)~~

- c. Courses submitted for ~~The Board of Dental Examiners of Alabama shall have the right to monitor or audit any course or program to determine whether that course or program is in compliance with these rules.~~

~~(g) Continuing Education courses will be approved as meeting the requirements for ethical considerations in the practice of dentistry and/or dental hygiene if the information submitted to the Board of Dental Examiners of Alabama demonstrates that~~approval as meeting the ethical considerations requirement in Section 2 above should demonstrate the course includes substantial content addressing any combination of one or more of the following topics:

~~1.~~

1. The American Dental Association (ADA) Principles of Ethics and Code of Professional Conduct (dentists and/or dental hygienists);

~~2.~~

2. The American Dental Hygienists Association (ADHA) Code of Ethics for Dental Hygienists (dental hygienists only);

~~3.~~

3. Abuse, neglect, or human trafficking;

~~4.~~

4. Sexual abuse, misconduct, and/or boundary violations;

~~5.~~

5. Informed consent;

~~6.~~

6. Billing and coding; ~~and~~

~~7.~~

7. Mandatory reporting obligations applicable to dentists and/or dental hygienists.

- d. Courses presented by the American Society for Dental Ethics or the American College of Dentistry, and any course that satisfies an ethics continuing education requirement of the licensee's professional liability insurance carrier, will also generally be accepted as satisfying the ethics requirement.

~~(6) LICENSEES EXCUSED FROM CONTINUING EDUCATIONAL REQUIREMENTS.~~

~~(a) Any dentist/dental hygienist licensed in the State of Alabama but practicing outside the State of Alabama; however, if such person returns to the State of Alabama, and desires to practice dentistry/dental hygiene, he/she shall then be required to submit evidence to the Board of Dental Examiners of Alabama prior to being allowed to practice, that~~

~~they have attended and completed within the preceding five (5) years continuing education courses or programs which comply with these rules in a number of hours not less than twenty (20) nor more than One Hundred (100).~~

~~(b) Dentists enrolled fulltime in a postgraduate specialty training or residency program at a dental school accredited by the American Dental Association's Commission on Dental Accreditation.~~

~~(c) Dental hygienists enrolled fulltime in an academic program directly related to dentistry/dental hygiene, including but not limited to the Alabama Dental Hygiene Program.~~

~~(d) Any dentist/dental hygienist who fails to comply with the provisions of these rules or who otherwise violates the Alabama Dental Practice Act in connection with the requirements of these rules or relating to any information to be maintained or submitted to the Board as provided for in these rules shall be assessed a non-disciplinary administrative penalty.~~

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 ; effective .