

BOARD OF DENTAL EXAMINERS OF ALABAMA
ADMINISTRATIVE CODECHAPTER 270-X-4
MISCELLANEOUS270-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)

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