

BOARD OF DENTAL EXAMINERS OF ALABAMA
ADMINISTRATIVE CODE

CHAPTER 270-X-5
ORGANIZATION AND PROCEDURE

270-X-5-.05 Disciplinary Hearings For Dentists And Dental Hygienists.

(1) Conduct of Hearing.

(a) Hearing Examiner. The Board may in its discretion appoint some person to act as hearing examiner at disciplinary hearings. In the event a hearing examiner is appointed, he/she shall preside at the hearing and shall rule on all questions of evidence and procedure, notwithstanding any other provisions of these rules to the contrary.

(b) The procedure and format of a hearing shall be the same as that utilized in non-jury civil cases in the circuit courts of this state. Additionally, the Board shall be allowed the right to examine any witnesses called by either party.

(c) Order. The Board shall issue an order within thirty (30) days of the date of the final hearing, which shall include findings of fact, official notice taken, and conclusions of law, separately stated. The final order shall either be personally delivered or mailed by certified mail, return receipt requested, to each party or to his/her attorney of record.

(2) Evidence. Evidence shall be admitted in accordance with Code of Ala. 1975, §41-22-13. Further, in arriving at a determination upon dental issues in contested cases, the Board may consider the testimony of expert witnesses; however, the Board shall not be required to hear said expert testimony and may exercise its independent dental judgment in the resolution of dental issues.

(3) Emergencies. The Board may in an emergency situation, when danger to the public health, safety and welfare requires, suspend the license of a dentist/dental hygienist without a hearing or with an abbreviated hearing in accordance with Code of Ala. 1975, §41-22-19(d).

(4) Other. The hearing shall otherwise be conducted in compliance with the provisions of the Alabama Administrative Procedure Act.

(5) Effective Date. Section 1(a) through 1(b) - October 1, 1982. Section 1(c), (2), (3) and (4) - October 1, 1983.

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Statutory Authority: Code of Ala. 1975, §§34-9-2, 34-9-18, 34-9-24, 34-9-43, 41-22-12, 41-22-13, 41-22-16.

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