

APA-3
11/96

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE REFERENCE SERVICE
JERRY L. BASSETT, DIRECTOR**

(Pursuant to Code of Alabama (1975) Section 41-22-6, as amended).

I certify that the attached is correct copy of Rule 270-X-2.19 as promulgated and adopted on the 3rd day of March, 2006, and filed with the agency secretary on the 6th day of March, 2006.

AGENCY NAME: BOARD OF DENTAL EXAMINERS OF ALABAMA.

Amendment New Repeal (Mark appropriate space)

Rule No.: 270-X-2.19 (2)(ii)

Rule Title: LICENSURE BY CREDENTIALS

ACTION TAKEN: The rule was adopted with change from the proposal. Although no written or oral comments were received, the Board upon further review agreed to amend 270-X-2.19 (2)(ii) to make it clear that passing National Dental Board Examination Parts 1 and 2 administered by the Joint Commission on National Dental Examinations was to be included as a factor rather as the sole criteria for licensure.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXIV, ISSUE NO. 3, AAM, DATED December 30, 2005.

Statutory Rulemaking Authority: Code of Alabama (1975) §34-9-10 (e) and §34-9-43(2) and (10).

(Date Filed)
(For LRS Use Only)

Mary Ann Wilkinson, R.D.H.
Certifying Officer or his or her Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

RULES OF THE BOARD OF DENTAL EXAMINERS OF ALABAMA

CHAPTER 270-X-2

270-X-2.19 Licensure By Credentials.

(1) Definitions: The following definitions shall apply to these rules:

(i) **LICENSURE BY CREDENTIALS.** Licensure by credentials is to be used to evaluate the theoretical knowledge and clinical skill of a dentist or dental hygienist when an applicant holds a dental or dental hygienist license in another state.

(ii) **BOARD.** Board shall mean the Board of Dental Examiners of Alabama.

(iii) **ACT.** Code of Alabama 1975 Sections 34-9-1 et seq.

(2) To be eligible for licensure by credentials in the State of Alabama, the applicant shall meet the provisions of Code of Alabama 1975 Section 34-9-10 and this Rule, which are as follows:

(i) The dentist or dental hygienist must have been engaged in the active practice of dentistry or dental hygiene or in full-time dental or dental hygiene education for the five years immediately preceding the application.

(ii) The applicant must hold a current, valid, unrevoked, and unexpired license in a state having examination standards regarded by the Board of Dental Examiners of Alabama as an equivalent to the Alabama standards. For purposes of this requirement, ~~equivalent exam standards means successfully~~ these exam standards shall include passing the National Dental Board Examination Parts 1 and 2 administered by the Joint Commission on National Dental Examinations.

(iii) The Board of Examiners in the state of current practice shall verify or endorse that the applicant's license is in good standing without any restrictions.

(iv) The dentist or dental hygienist shall not be the subject of pending or final disciplinary action in any state in which the individual has been licensed which shall be verified through inquiry to the National Practitioner Data Bank, the Health Integrity Protection Data Bank, the American Association of Dental Examiners clearing House for Disciplinary Information, or any other pertinent Bank currently existing or which may exist in the future.

(v) There shall be certification from the United States Drug Enforcement Administration (DEA) and from the Board of Examiners of any state in which the applicant is or has been licensed that the DEA permit has not been revoked, suspended, modified, restricted, or limited in any way or that any state controlled substances permit has not been revoked, suspended, modified, restricted or limited in any way.

(vi) The applicant shall not be the subject of any pending or final action from any hospital revoking, suspending, limiting, modifying, or interfering with any clinical or staff privileges.

(vii) The applicant shall provide a written statement agreeing to be interviewed at the request of the Board.

(viii) The applicant must successfully pass a written jurisprudence examination to be designed and administered by the Board.

(ix) The applicant shall submit affidavits from two licensed dentists or two licensed dental hygienists practicing in the same geographical area where the applicant currently is practicing or teaching attesting to the applicant's moral character, standing, and ability.

(x) Upon the Board's request, the applicant shall execute any necessary release or authorization to obtain information in connection with the application or the requirements of this rule.

(xi) The applicant must be a graduate of dental or dental hygiene school or college approved by the board and shall provide the Board with an official transcript with school seal from the school of dentistry or school of dental hygiene which issued the applicant's professional degree or execute a request and authorization allowing the board to obtain the transcript.

(xii) The applicant must not have been convicted of a felony or any misdemeanor involving moral turpitude or of any law dealing with the administering or dispensing of legend drugs, including controlled substances.

(xiii) The board may consider or require other criteria including, but not limited to, any of the following:

- a. Questioning under oath.
- b. Results of peer review reports from constituent dental societies or federal dental services.
- c. Any history of or the need for substance abuse testing or treatment.
- d. Background checks for criminal or fraudulent activities.
- e. Participation in continuing education.
- f. A current certificate in cardiopulmonary resuscitation.
- g. Recent case reports or oral defense of diagnosis and treatment plans.
- h. Proof of no physical or psychological impairment that would adversely affect the ability to practice dentistry or dental hygiene with reasonable skill and safety.
- i. An agreement to initiate practice within the State of Alabama within a period of one year.
- j. Proof of professional liability coverage and that coverage has not been refused, declined, cancelled, nonrenewed, or modified.
- k. Proof of no communicable diseases.

1. Denial of any professional license or denial of the opportunity to take a dental exam or dental hygienist exam.

(xiv) If all criteria and requirements are satisfied and the Board determines, after notice and hearing, that the individual committed fraud or in any way falsified any information in the application process, the license may be revoked by the Board or the Board may impose other disciplinary sanctions allowed by the provisions of the Act.

(3) In addition to the requirements for applicants seeking licensure by credentials, an applicant desiring to practice a specialty only, must meet the following requirements:

(i) The specialty must be one in a branch of dentistry authorized by the Act.

(ii) The applicant shall meet the existing educational requirements, standards or other criteria set forth in the Act.

(iii) An applicant who chooses to announce or practice a specialty shall limit his or her practice exclusively to the announced special area or areas of dental practice.

(iv) If an applicant who is initially licensed by credentials for a specialty practice decides to renounce his or her specialty and practice general dentistry and the license originally issued did not require a general dental license but rather a specialty license or the applicant originally passed only a specialty examination, the applicant shall not practice general dentistry until he or she successfully passed the Board's regular dentistry examination. However, if an applicant has passed a general dentistry examination having standards regarded by the Board as an equivalent to the Alabama standards or has a general dentistry license, was practicing a specialty and decided not to continue that specialty and practice general dentistry, the applicant shall be eligible for licensure by credentials as a general dentist.

(4) An applicant shall submit to the Board with the application, a non-refundable fee in the amount of Four Thousand and No/100 Dollars (\$4,000.00) for dentists and Two Thousand and No/100 Dollars (\$2,000.00) for dental hygienists. If an applicant is granted a license, this fee includes the licensing fee for the remaining portion of the first licensing year.

(5) Regardless of the applicant's compliance with the foregoing requirements, the Board may refuse to issue a license by credential based on any conduct which would be a ground for discipline pursuant to Code of Alabama 1975 Section 34-9-19.

(6) An applicant granted a license by credentialing will be subject to the Act and all Board rules.

Author: James S. Ward

Statutory Authority: **Code of Alabama** (1975) §34-9-10 (e) and §34-9-43(2) and (10).

History: Adopted February 18, 2003; Effective March 26, 2003; Amended March 3, 2006

RULES OF THE BOARD OF DENTAL EXAMINERS OF ALABAMA

CHAPTER 270-X-2

270-X-2.19 Licensure By Credentials.

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(2) To be eligible for licensure by credentials in the State of Alabama, the applicant shall meet the provisions of Code of Alabama 1975 Section 34-9-10 and this Rule, which are as follows:

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(ii) The applicant must hold a current, valid, unrevoked, and unexpired license in a state having examination standards regarded by the Board of Dental Examiners of Alabama as an equivalent to the Alabama standards. For purposes of this requirement, these exam standards shall include passing the National Dental Board Examination Parts 1 and 2 administered by the Joint Commission on National Dental Examinations.

(iii) The Board of Examiners in the state of current practice shall verify or endorse that the applicant's license is in good standing without any restrictions.

(iv) The dentist or dental hygienist shall not be the subject of pending or final disciplinary action in any state in which the individual has been licensed which shall be verified through inquiry to the National Practitioner Data Bank, the Health Integrity Protection Data Bank, the American Association of Dental Examiners clearing House for Disciplinary Information, or any other pertinent Bank currently existing or which may exist in the future.

(v) There shall be certification from the United States Drug Enforcement Administration (DEA) and from the Board of Examiners of any state in which the applicant is or has been licensed that the DEA permit has not been revoked, suspended, modified, restricted, or limited in any way or that any state controlled substances permit has not been revoked, suspended, modified, restricted or limited in any way.

(vi) The applicant shall not be the subject of any pending or final action from any hospital revoking, suspending, limiting, modifying, or interfering with any clinical or staff privileges.

(vii) The applicant shall provide a written statement agreeing to be interviewed at the request of the Board.

(viii) The applicant must successfully pass a written jurisprudence examination to be designed and administered by the Board.

(ix) The applicant shall submit affidavits from two licensed dentists or two licensed dental hygienists practicing in the same geographical area where the applicant currently is practicing or teaching attesting to the applicant's moral character, standing, and ability.

(x) Upon the Board's request, the applicant shall execute any necessary release or authorization to obtain information in connection with the application or the requirements of this rule.

(xi) The applicant must be a graduate of dental or dental hygiene school or college approved by the board and shall provide the Board with an official transcript with school seal from the school of dentistry or school of dental hygiene which issued the applicant's professional degree or execute a request and authorization allowing the board to obtain the transcript.

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(xiii) The board may consider or require other criteria including, but not limited to, any of the following:

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- c. Any history of or the need for substance abuse testing or treatment.
- d. Background checks for criminal or fraudulent activities.
- e. Participation in continuing education.
- f. A current certificate in cardiopulmonary resuscitation.
- g. Recent case reports or oral defense of diagnosis and treatment plans.
- h. Proof of no physical or psychological impairment that would adversely affect the ability to practice dentistry or dental hygiene with reasonable skill and safety.
- i. An agreement to initiate practice within the State of Alabama within a period of one year.
- j. Proof of professional liability coverage and that coverage has not been refused, declined, cancelled, nonrenewed, or modified.
- k. Proof of no communicable diseases.

1. Denial of any professional license or denial of the opportunity to take a dental exam or dental hygienist exam.

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(iv) If an applicant who is initially licensed by credentials for a specialty practice decides to renounce his or her specialty and practice general dentistry and the license originally issued did not require a general dental license but rather a specialty license or the applicant originally passed only a specialty examination, the applicant shall not practice general dentistry until he or she successfully passed the Board's regular dentistry examination. However, if an applicant has passed a general dentistry examination having standards regarded by the Board as an equivalent to the Alabama standards or has a general dentistry license, was practicing a specialty and decided not to continue that specialty and practice general dentistry, the applicant shall be eligible for licensure by credentials as a general dentist.

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