

Board of Dental Examiners of Alabama

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Dental Examiners of Alabama

RULE NO. & TITLE: 270-X-2-.19 Licensure by Credentials

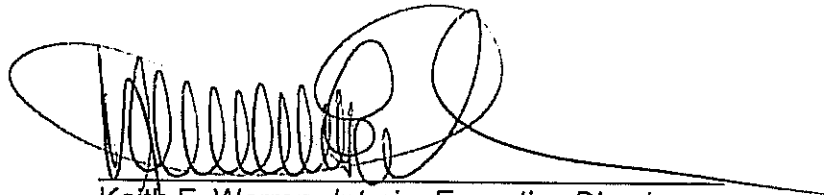
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to revise the process and requirements for applicants applying for licensure by credentials. These changes will conform to the changes in the statute during the 2009 Legislative Session.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written or oral comments will be received by the Board until 8:30 a.m. on Friday, December 4, 2009. Comments should be directed to Keith E. Warren, *Interim Executive Director*, at Board of Dental Examiners of Alabama, 5346 Stadium Trace Parkway, Suite 110, Hoover, Alabama 35244.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Friday, December 4, 2009

CONTACT PERSON AT AGENCY: Keith E. Warren
Interim Executive Director
Board of Dental Examiners of Alabama
5346 Stadium Trace Parkway, Suite 112
Birmingham, Alabama 35244



Keith E. Warren, *Interim Executive Director*
Board of Dental Examiners of Alabama

APA-1
11/96

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Board of Dental Examiners of Alabama

Rule No.: 270-X-2-19

Rule Title: Licensure by Credentials

_____ New X Amend _____ Repeal _____ Adopt by Reference

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 and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public
Than the harm that might result from the absence of
The proposed rule? No

Are all facets of the rulemaking process designed solely
For the purpose of, and so they have, as their primary
Effect, the protection of the public? Yes

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
Reference Service.

Signature of certifying officer _____

Date: 10/19/09

REC'D & FILED

OCT 20 2009
(DATE FILED)
(STAMP)
LEGISLATIVE REFERENCE SERVICE

BOARD OF DENTAL EXAMINERS OF ALABAMA

NOTICE OF INTENDED ACTION

RULE NUMBER: 270-X-2.19

TITLE OF RULE: 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)§ 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) § 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 clinical dentistry or clinical dental hygiene or in full time dental or dental hygiene education for ~~no less than the five years or five thousand (5,000) hours over the five (5) year period~~ immediately preceding the their 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, 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~~ must not be the subject of a 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~~ 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.~~

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

~~(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.~~

(vi) The applicant must successfully pass a written jurisprudence examination.

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

(vii) There shall be certification from the United States Drug Enforcement Administration and from the State board of any state in which the applicant is or has been licensed that the DEA registration is not the subject of any pending disciplinary action or enforcement of any kind, or that any state controlled substances permit has not been revoked, suspended, modified, restricted or limited in any way.

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

(viii) The applicant must 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.

~~(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.~~

(ix) The applicant must 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.

~~(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.~~

(x) The applicant must be a graduate of a dental or dental hygiene school, college or educational program approved by the board.

~~(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.~~

(xi) The applicant must 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.

(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.~~

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

k. Whether the applicant has been subject to any final disciplinary action in any state in which the individual has been licensed which shall be verified by a query in the National Practitioner Data Bank, the Health Integrity Protection Databank, the American Association of Dental Examiners Clearing House for Disciplinary Information, any state where the applicant has been licensed, or any other pertinent bank currently existing or which may exist in the future.

l. Whether the applicant's DEA registration or any state controlled substances permit has ever been revoked, suspended, modified, restricted, or limited in any way. Provided, however, that any discipline that results only from a failure to timely renew a registration or permit shall not prevent an applicant from being eligible for this method of licensure.

(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,~~ approved by the American Dental Association.

(ii) The applicant shall meet the existing educational requirements, ~~and standards or other criteria set forth in the Act,~~ by the American Dental Association for that approved specialty.

(iii) An applicant who chooses to announce or practice a specialty shall ~~must~~ 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 ~~may not~~ practice general dentistry until he or she successfully passes the Board's regular general

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~~ decides not to continue that specialty and practice only general dentistry, the applicant ~~shall be~~ is 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-~~ credentials based on any conduct which would be a ground for discipline pursuant to Code of Alabama, (1975) § 34-9-19.

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

Authority: Code of Alabama, (1975) § 34-9-10 and §34-9-43.

Adopted filed February 18, 2003; amended March 3, 2006, amended July 10, 2008.