

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control Department or Agency Board of Dental Examiners

Rule No. 270-X-2-.11

Rule Title: Alabama Uniform Controlled Substances Act

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? N/A

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 Service Agency.

Signature of certifying officer [Signature] Date 4/17/18

REC'D & FILED

(DATE FILED)

APR 17 2018

(STAMP)

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-2-.11, Alabama Uniform Controlled Substances Act

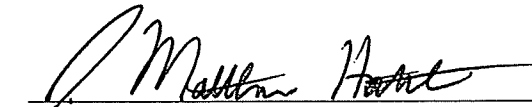
INTENDED ACTION: Amend Rule

SUBSTANCE OF PROPOSED ACTION: The Board of Dental Examiners is proposing to amend Rule 270-X-2-.11 which sets forth the requirements for dentists to prescribe controlled substances and obtaining a permit to do so. Specifically, the Board intends to require all dentists who are permitted by the Board to write controlled substances to be registered with and have access to the controlled substance prescription database program maintained by the Alabama Department of Public Health.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Executive Director of the Board of Dental Examiners of Alabama at any time until and including June 15, 2018, or by personally appearing at the Board of Dental Examiners of Alabama Board Meeting to be held at 5346 Stadium Trace Pkwy., Suite 112, Hoover, Alabama, at 8:30 a.m., Friday, June 15, 2018.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
June 15, 2018

CONTACT PERSON AT AGENCY: J. Matthew Hart
Executive Director
Board of Dental Examiners
5346 Stadium Trace Pkwy., Ste. 112
Hoover, AL 35244
205/985-7267



J. Matthew Hart
Executive Director

Board of Dental Examiners of Alabama
Proposed Amendments to
Administrative Rule

270-X-2-.11

Alabama Uniform Controlled Substances Act

(1) Pursuant to the Alabama Uniform Controlled Substances Act, specifically, Code of Alabama 1975; 20-2-50 and 20-2-52, it shall be necessary for all licensed dentists and dentists who are issued special teaching permits who dispense, administer, prescribe, maintain or otherwise have in their possession controlled substances to annually register with the Board of Dental Examiners of Alabama and obtain a State Controlled Substance Number from said Board.

(a) The requirement stated in paragraph (1) of obtaining a registration certificate is waived for post-doctoral dental students and residents from the start date of each post-doctoral dental student's/resident's training until the end of each post-doctoral dental student's/resident's training period. Each post-doctoral dental student/resident shall be issued a controlled substance number following the acceptance of an application submitted to the Board. Each post-doctoral dental student/resident must renew his/her controlled substance number annually.

(b) Dental post-doctoral students and residents shall mean those enrolled in ADA accredited graduate programs at the UAB School of Dentistry or UAB Hospital, or in other such dental colleges, hospitals or institutions in Alabama, as may be approved by the Board.

(c) A dental post-doctoral student or resident for whom the requirement of obtaining a registration certificate is waived shall perform his/her work within the facilities of such dental colleges, hospitals and institutions under the supervision of an instructor and as adjunct to his/her post graduate course of study or training.

(2) This State Controlled Substance Number must appear on prescription blanks as well as the Drug Enforcement Agency Number. Every written prescription issued in this state by a licensed dentist and/or post-doctoral dental student/resident in

possession of a Board issued controlled substance number shall contain two (2) signature lines. Under one signature line shall be printed clearly the words "product selection permitted." The licensed dentist shall communicate instructions to the pharmacist by signing on the appropriate line.

(3) Registration under this rule will be due at the same time as the annual license registration to practice dentistry. Before renewing a state controlled substance license issued by the Board, the dentist must have a current registration to access the controlled substances prescription database program maintained by the Alabama Department of Public Health (e.g., the Alabama Prescription Drug Monitoring Program). In order to obtain a state controlled substances number the dentist must possess a current and valid registration from the United States Drug Enforcement Agency. A post-doctoral dental student/resident shall be required to use their ~~schools~~ school's facility United States Drug Enforcement Agency issued number.

(4) The fee for registration and the State Controlled Substance Number shall be an amount to be fixed by the Board.

(5) Any licensed dentist and/or post-doctoral dental student/resident dispensing, administering, prescribing, maintaining, or possessing controlled substances who has not registered or obtained a State Controlled Substance Number will be deemed in violation of the Uniform Controlled Substances Act and will be subject to the penalties prescribed by law.

Author: ~~James S. Ward~~ Board of Dental Examiners of Alabama

STATUTORY AUTHORITY:

Code of Ala. 1975, §§ 20-2-2, 20-2-50, 20-2-51, 20-2-52, 20-2-54, 34-9-2, 34-9-43.

HISTORY:

Filed September 28, 1982. September 26, 2000; effective October 31, 2000. Amended: Filed March 15, 2006; effective April 19, 2006. Amended: Filed February 22, 2012; effective March 28, 2012. Amended: Filed April 17, 2018.