

# Frequently Asked Questions

## Signature on Medical Record

The Board opines that, pursuant to Ala. Code (1975), § 34-9-15.1(a), the dentist's signature or other identifying mark on a medical record must be sufficient to identify the dentist to any other party, and the dentist's name or other unique identifier must be on all electronic records.

## Scope of Dentistry

❖ Dentists are allowed to use cosmetic **injectables and topicals** in any area of the face to treat maxillofacial trauma, and for the treatment of diagnosed dental and orofacial problems/pain and conditions and for cosmetic purposes following proper continuing education and certification such as is offered by national industry associations or other dental continuing education. See July 2010 and Feb. 2020 minutes.

❖ The Board opines that it is within the scope of practice for a dentist to order/administer a **home sleep test**; however, a definitive diagnosis of sleep apnea must be made by a licensed physician prior to the prescription and fabrication of an intra-oral sleep disorder appliance. It is outside the scope of dental practice to order or prescribe an intra-oral sleep disorder appliance as a result of a sleep study being interpreted by a dentist. Additionally, it is always outside beyond the scope of dental practice for a dentist to prescribe a CPAP. It is, however, permissible for a dentist to fabricate and prescribe an antisnoring appliance without the consultation of a physician. See July, 2011 minutes and August, 2017 minutes.

## Adverse Occurrences

❖ The Board opines that a dentist complies with Ala. Admin. Code r. 270-x-2-.20 when the dentist notifies the Board of an adverse occurrence within 7 days of **learning** of the occurrence, and submits to the Board within 30 days of learning of the occurrence a report that meets the requirements of Ala. Admin. Code Rule 270-X-2.20(2). See March 2019 minutes.

The Board opines that, for purposes of Rule 270-X-2.20, "hospital admission" means at least an overnight stay – inpatient, rather than outpatient (emergency room only) care. See August 2019 minutes.

## **Patient Referrals**

❖ The Board opines that an internal referral based upon asking current patients for referrals with the enticement of a prize/award would be permissible, so long as any prizes/awards given are not cash or a cash equivalent (i.e. a Visa gift card with a cash balance). So long as the source of the referrals is the dentist's current patient base and any incentive provided is not cash or a cash equivalent, then the referring party will not be deemed to be a "Dental Referral Service" by the Board and will not be subject to the requirements of Code of Alabama (1975), § 34-9-19.1

## **Advertising**

❖ The Board is no longer reviewing individual advertisements. To insure that your advertisement complies with the Alabama Dental Practice Act, please review Rule 270-X-4.08.

❖ Per Code of Alabama, § 34-9-18(9), **no** licensee of the Board of Dental Examiners may divide fees or agree to divide or split the fee received for dental services with any person for bringing or referring a patient without the knowledge of the patient or his legal representative.

Because online website-based discount programs such as Groupon retain a percentage of the monies paid by the consumer for the dental service, such online discounts may be construed as a violation of the DPA unless the patient is informed on the offer that the website service is retaining a portion of the fee. Therefore, it is the opinion of the Board of Dental Examiners that participation in such online discounting programs with this notification is acceptable and not a violation of the Dental Practice Act. Per April, 2012 Minutes.

## **Continuing Education**

❖ The Board does not accredit Continuing Education courses. This is done by the Academy of General Dentistry or American Dental Association; the Board will accept their accreditation for Continuing Education courses. The individuals taking and/or giving any Continuing Education courses are each responsible for ensuring that the course meets the requirements of Alabama Dental Practice Act 270-X-4.04.

## **Patient Records**

❖ The Alabama Dental Practice Act does not address the length of time that you must maintain patient records, however, retention of lab prescriptions is found in Code of Alabama (1975), §34-9-21 wherein it states the length of retention for lab prescriptions is 2 years. Considering forensic value and need for defending a patient complaint, also please check with your malpractice insurance carrier and/or ADA for more guidance with this issue.

## **Name and Address Changes**

- ❖ For any address and/or phone number changes please submit your changes in writing and include your name and license number and indicate which address should be public and should have all correspondence from the Board mailed to.
- ❖ For any name changes please submit a copy of the legal document that changed your name along with your current listed name and license number. If you would like a new wall certificate reflecting your change of name, please include a check in the amount of \$25.00 with your change of name request and a new wall certificate will be mailed to you.