



**BOARD OF DENTAL EXAMINERS OF ALABAMA**

**NOTICE OF INTENDED ACTION**

AGENCY NAME: Board of Dental Examiners of Alabama

RULE NO. & TITLE: 270-X-4-.12, Maintenance of Controlled Substances Record and Inventory.

INTENDED ACTION: Amend Rule.

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to amend its existing rule requiring the maintenance of controlled substances records to make the Board's rule consistent with corresponding federal regulations.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested persons may submit data, views, or arguments concerning the proposed amended rule(s) and regulation(s) in writing to: W. Blake Strickland, Executive Director, Board of Dental Examiners of Alabama, 2229 Rocky Ridge Road, Birmingham, Alabama 35216, by mail or in person between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, until and including March 17, 2023. Persons wishing to submit data, views, or comments should contact W. Blake Strickland by e-mail (blake@dentalboard.org) during the comment period. Copies of proposed amended rules may be obtained at the Board's web site, www.dentalboard.org.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
March 17, 2023.

CONTACT PERSON AT AGENCY:

W. Blake Strickland, Executive Director  
Board of Dental Examiners of Alabama  
2229 Rocky Ridge Road  
Birmingham, Alabama 35216



W. Blake Strickland  
Executive Director

270-X-2-.12      Maintenance Of Controlled Substances Records And Inventory.

(1) Every dentist ~~certified~~ permitted to administer or dispense controlled substances by the Board of Dental Examiners of Alabama shall be required to maintain an accurate inventory record and separate dispensing record of all controlled substances in Schedules II through V ~~dispensed in his/her offices.~~ As it relates to this rule, "administer" means the direct application of a controlled substance to the body of a patient by a practitioner by injection, inhalation, ingestion, topical, or other means. "Dispense" means the delivery of a controlled substance to a patient by a practitioner including the prescribing and administration of a controlled substance.

(2) The inventory record shall account for all controlled substances obtained or received by the dentist's office or the dentist regardless of whether the said controlled substances were purchased or obtained at no cost. The inventory record shall contain the following information:

(a) The date on which the controlled substance was obtained;

(b) The source from where the controlled substance was obtained;

(c) The name of the substance;

(d) Each finished form of the substance (e.g., 10-milligram tablet or 10-milligram concentration per fluid ounce or milliliter);

(e) The number of units or volume of each finished form in each commercial container (e.g., 100-tablet bottle or 3-milliliter vial); and

(f) The number of commercial containers of each such finished form (e.g., four 100-tablet bottles or six 3-milliliter vials).

(3) The dispensing record shall contain the following information:

(a) The date the controlled substance was dispensed;

(b) The method by which the controlled substance was dispensed (i.e., ~~administered~~ dispensed in office or released to patient);



(c) The name of the controlled substance dispensed—(trade name or generic name);

(d) The name of the patient to whom the controlled substance was dispensed; and

(e) The finished form of the controlled substance dispensed (i.e., concentration); and

(ef) The quantity of the controlled substance dispensed.

(24) The inventory and separate dispensing records required by this rule shall be kept in the office of the dentist for a period of five (5) years from the date the controlled substances are dispensed and shall be made available for inspection by agents of the Board of Dental Examiners of Alabama or any law enforcement agency.

(35) Failure to maintain and make available the inventory and separate dispensing record required by this rule shall be considered a failure to maintain effective controls against diversion of controlled substances into other than legitimate dental channels.

(46) Whenever ~~any a~~ dentist ~~desires or~~ is required to ~~dispose of waste~~ any unused controlled substances, the dentist shall document the name of the controlled substance and amount to be wasted on the dispensing record. Two clinic employees shall witness the disposal and document by means of their signatures. A dentist who disposes of unused stock of a controlled substance located in his/her office, he/she shall do so in accordance with the procedures for the disposing of controlled substances established by the Drug Enforcement Agency Administration or pursuant to any rules or regulations promulgated by that agency. All controlled substances that are wasted or disposed of must be rendered irretrievable.

**Author:** James S. Ward

**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(10).

**History:** Filed September 28, 1982. **Amended:** Filed July 1, 1988; September 19, 1988. **Amended:** Filed February 22, 2012; effective March 28, 2012. **Amended:** Filed January 31, 2023; effective [to be determined, no less than 45 days after publication of final rule], 2023.