

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Board of Dental Examiners of Alabama
Rule No.: 270-X-2.12
Rule Title: Maintenance Of Controlled Substances Records And Inventory
_____ 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 *B. Barnett*

Date: 12/6/11

(DATE FILED)
(STAMP)

Board of Dental Examiners of Alabama

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Dental Examiners of Alabama

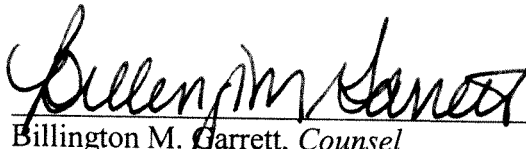
RULE NO. & TITLE: 270-X-2.12 Maintenance Of Controlled Substances Records And Inventory.
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to correctly site statutory authority, to clarify language and to eliminate gender specific terminology.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:30 p.m. on Friday, February 3, 2012. Comments should be directed to Sonya Lankford, Financial Secretary, at 5346 Stadium Trace Pky., Ste. 112 Hoover, AL 35244 or via electronic mail at BDEAL@dentalboard.org or via telephone at 205-985-7267.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Friday, February 3, 2012

CONTACT PERSON AT AGENCY: Ms. Sonya Lankford
Financial Secretary
5346 Stadium Trace Pky., Ste. 112
Hoover, AL 35244
(205) 985-7267



Billington M. Garrett, *Counsel*
Board of Dental Examiners of Alabama

Board of Dental Examiners of Alabama

NOTICE OF INTENDED ACTION

RULE NUMBER: 270-X-2.12

TITLE OF RULE: Maintenance Of Controlled Substances Records And Inventory.

(1) ~~Beginning on January 1, 1983, every~~ Every dentist certified to dispense controlled substances by the Board of Dental Examiners of Alabama shall be required to maintain an accurate inventory and separate dispensing record of all controlled substances in Schedules II, ~~II, III, III, IV and~~ through V dispensed in ~~their~~ his/her offices. The inventory 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 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 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 quantity of the controlled substance dispensed.

(2) The inventory and separate dispensing record 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.

(3) 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.

(4) Whenever any dentist desires or is required to dispose of any controlled substances located in ~~his~~ his/her office, ~~he~~ he/she shall do so in accordance with the procedure for the disposing of controlled substances established by the Drug Enforcement Agency or pursuant to any rules or regulations promulgated by that agency.

Statutory Authority ~~Code of Ala. 1975, Code of Alabama (1975), §§ 20-2-2, 20-2-50, 20-2-51, 20-2-52, 20-2-54 34-9-2, 34-9-43(10).~~

Original Rule Filed: September 28, 1982, Amended: Filed November ____, 2011