

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-4.04  
Rule Title: Mandatory Continuing Education For Dentists And Dental Hygienists  
\_\_\_ 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

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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.

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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. Banect*

Date: 12/10/11

(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-4.04 Mandatory Continuing Education For Dentists And Dental Hygienists.

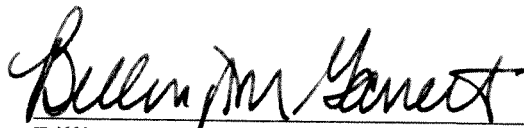
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to correct statutory authority, to clarify language, to allow additional means of attaining CE and to allow licensees to accumulate CE hours for two year period.

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](mailto: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-4.04

TITLE OF RULE: Mandatory Continuing Education For Dentists And Dental Hygienists.

(1) NUMBER OF HOURS.

(a) Dentists shall complete ~~twenty (20)~~ forty (40) hours of continuing education ~~on an annual basis every two (2) years~~ as a condition of licensure renewal; provided, however, that no more than one-half (1/2) of these hours can be completed or satisfied by video tapes, journals, publications, internet courses, correspondence courses or distance based education whether by video or audio format. It shall be the responsibility of each dentist to submit on ~~an annual~~ a bi-annual basis an affidavit or other form approved and provided by the Board of Dental Examiners of Alabama to demonstrate compliance with this requirement. The required hours must be completed in the ~~twelve (12)~~ twenty-four (24) month period beginning October 1 of ~~each~~ the initial year and ending September 30 of the ~~next second calendar year~~ afterward. At least within two (2) calendar years, the dentist shall be required to be certified in cardiopulmonary resuscitation (CPR) at the basic support level by the American Heart Association, the American Red Cross or an equivalent association; provided however, this requirement shall only be satisfied by attending this training. The two (2) calendar year period shall begin on the date of the initial certification or on the date of any subsequent recertification. Further, at least within two (2) calendar years, the required hours shall include, and be limited to two (2) hours of training on infectious disease control as it relates to the dental office or to the practice of dentistry. Further, at least within two (2) calendar years, the required hours shall include, and be limited to four (4) hours of accredited training in CPR. Additionally, the combined number of hours of continuing education training in the course areas of insurance, governmental regulations, and tort liability and/or risk management shall not exceed a total of ~~four (4)~~ eight (8) hours each year for the twenty-four month period. Practice management courses shall not exceed a total of six (6) hours for the twenty-four (24) month period.

(b) Dental Hygienists shall complete ~~twelve (12)~~ twenty-four (24) hours of continuing education ~~on an annual basis every two (2) years~~ as a condition of licensure renewal; provided, however, that no more than one-half (1/2) of these hours can be completed or satisfied by video tapes, journals, publications, internet courses, correspondence courses or distance based education whether by video or audio format. It shall be the responsibility of each dental hygienist to submit on ~~an annual~~ a bi-annual basis an affidavit or other form approved and provided by the Board of Dental Examiners of Alabama to demonstrate compliance with this requirement. The required hours must be completed in the ~~twelve (12)~~ twenty-four (24) month period beginning October 1 of ~~each~~ the initial year and ending September 30 of the ~~next second calendar year~~ afterward. At least within two (2) calendar years, the dentist hygienist shall be required to be certified in cardiopulmonary resuscitation (CPR) at the basic support level by the American Heart Association, the American Red Cross or an equivalent association; provided however, this requirement shall only be satisfied by attending this training. The two (2) calendar year period shall begin on the date of the initial certification or on the date of any subsequent recertification. Further, at least within two (2) calendar years, the required hours shall include two (2) hours of training on infectious disease control as it relates to the dental office or to the practice of ~~dentistry or dental hygiene~~ dentistry/dental hygiene. Additionally, the combined number of hours of continuing education training in the

course areas of insurance, governmental regulations, and tort liability and/or risk management shall not exceed a total of ~~four (4)~~ eight (8) hours ~~each year for the twenty-four month period~~ and the combined number of hours of continuing education training relating to restorative dentistry shall be limited to ~~six (6)~~ twelve (12) hours ~~each year for the twenty-four month period~~. Practice management courses shall not exceed a total of three (3) hours for the twenty-four (24) month period.

(c) ~~Dentists and dental hygienists~~ Dentists/dental hygienists will be allowed up to ~~four (4)~~ eight (8) hours of credit ~~per year for the twenty-four month period~~ for pro bono charitable work performed at non-profit clinics located within the State of Alabama offering dental services. Any such work by a dental hygienist must be under the direct supervision of a dentist licensed in the State of Alabama. One (1) hour of continuing education credit shall be awarded for every four (4) hours of service.

(d) Licensees who have graduated in the year of their initial licensure shall only be required to accrue and prove compliance with required hours of continuing education through the end of the subsequent year following licensure. Thereafter said licensees shall comply with continuing education requirements set forth above. Further, said licensees must be able to prove compliance with this rule regarding CPR and infectious disease control certifications.

(2) RECORD KEEPING, REPORTING AND MONITORING.

(a) It is the responsibility of each ~~dentist and dental hygienist~~ dentist/dental hygienist to maintain and compile accurate records relating to all continuing education courses or activities they have attended and completed. Accurate records shall mean a certification or evidence of attendance at any "live" continuing education courses and copies of video tapes, journals, publications or correspondence courses. It shall be the responsibility of each ~~dentist and dental hygienist~~ dentist/dental hygienist to maintain the above described documentation and information pertaining to each year for a period of ~~five (5)~~ six (6) years and this information shall be submitted to the Board of Dental Examiners of Alabama within ~~Thirty~~ thirty (30) days after a request for the same by the Board.

(b) Each ~~dentist and dental hygienist~~ dentist/dental hygienist must submit by the ~~1-st~~ first (1<sup>st</sup>) day of October of each year, evidence or documentation of satisfactory completion of the required hours of continuing education provided for in these rules. This information shall be submitted on an affidavit and/or other forms to be approved and provided by the Board of Dental Examiners of Alabama. Upon receipt of this information it shall be reviewed by the Board of Dental Examiners of Alabama and the ~~dentist and dental hygienist~~ dentist/dental hygienist shall then be notified that ~~either either~~:

(1) (i) ~~they~~ They have fulfilled the requirements of these rules and their annual registration will be issued or

(2) (ii) ~~they~~ They will be notified there are deficiencies or ~~noncompliance~~ non-compliance with these rules and their annual registration will not be issued until the ~~noncompliance~~ non-compliance or deficiencies have been remedied in accordance with these rules to the satisfaction of the Board of Dental Examiners of Alabama.

(c) Any ~~dentist and dental hygienist~~ dentist/dental hygienist who receives notification that their annual registration will not be issued because of ~~noncompliance~~ non-compliance with these rules may appeal in writing to the Board of Dental Examiners of Alabama within Thirty (30) days from the date of the Board's notification to them of their ~~noncompliance~~ non-compliance. Upon the receipt of the written appeal, the Board may request the submission of additional information or records or may require the ~~dentist and~~

~~dental hygienist~~ dentist/dental hygienist to appear before the Board in connection with the appeal.

(3) AUDITING.

The Board of Dental Examiners of Alabama shall randomly audit the continuing education documentation or information to be maintained or submitted by each ~~dentist and dental hygienist~~ dentist/dental hygienist as described herein to assure compliance with these rules. Failure to maintain the documentation or information set forth in these rules the submission of false or misleading information or documentation to the Board of Dental Examiners of Alabama or failure to submit requested documentation or information within the time specified by the Board may subject the ~~dentist and dental hygienist~~ dentist/dental hygienist, after hearing, to those penalties outlined in Code of Ala. 1975, Code of Alabama (1975), Section 34-9-18(b), §34-9-18(b).

(4) WAIVER.

Upon written request to the Board of Dental Examiners of Alabama, and upon the demonstration of good and sufficient cause, the Board of Dental Examiners of Alabama may grant a waiver or extension of time for the completion of the annual hour requirements for continuing education as set forth herein. Any such request must be received by the Board of Dental Examiners of Alabama prior to September 4<sup>th</sup> first (1<sup>st</sup>) of the year in which the waiver or extension applies. Any such request received after the above referenced date will be considered untimely and denied. The ~~dentist and dental hygienist~~ dentist/dental hygienist who seeks such a waiver or extension shall submit to the Board of Dental Examiners of Alabama any documentation required by the Board which the Board deems appropriate for it to make a decision concerning that waiver or extension.

(5) CRITERIA FOR APPROVAL OF CONTINUING EDUCATION.

(a) Continuing dental education may include, but is not limited to, attendance at lectures, study clubs, college and post graduate courses, scientific sessions of conventions, research, graduate studies, teachings, service as a clinician, video tapes, journals, internet courses, publications or correspondence courses. Continuing education programs may include, but are not limited to, programs that address any of the following:

1. (i) Competency in treating patients who are medically compromised or who experience medical emergencies during the course of dental treatment;
2. (ii) Knowledge of pharmaceutical products and the protocol of the proper use of medications or controlled substances;
3. (iii) Competency to diagnose oral pathology;
4. (iv) Awareness of currently accepted methods of infection control;
5. (v) Basic medical and scientific subjects including but not limited to biology, physiology, pathology, biochemistry and pharmacology, analgesia, diet and nutrition, microbiology, anatomy, dental anatomy, microscopic anatomy, chemistry, organic chemistry and neurology;
6. (vi) Clinical and technological subjects including but not limited to techniques and procedures in general dentistry or recognized specialties, dental materials and equipment, diagnosis and treatment planning, asepsis and sterilization techniques and radiology;
7. (vii) Subjects pertinent to health and safety including but not limited to public health problems, communicable diseases, emergency care, cardiopulmonary

resuscitation, advanced life support, patient stress management, the laws and rules governing the practice of ~~dentistry and dental hygiene~~ dentistry/dental hygiene and ethical considerations in the practice of ~~dentistry and dental hygiene~~ dentistry/dental hygiene; and

(8) (viii) Insurance, governmental regulations and tort liability and/or risk management.

(b) Programs or courses that include the following areas cannot be considered acceptable or satisfactory continuing education:

1. ~~Money management~~;

2. (i) Personal finances;

3. ~~Practice Management~~;

4. ~~Personal financial matters of business matters~~;

5. (ii) Presentations by political or public figures or other persons who do not deal primarily with dental or dental hygiene practice;

6. (iii) Personal motivational courses; and

7. (iv) Presentations by political or public figures or other persons who do not deal primarily with ~~dentistry or dental hygiene~~ dentistry/dental hygiene practice; Basic educational or cultural subjects not directly related to the practice of ~~dentistry or dental hygiene~~ dentistry/dental hygiene, outside the scope of the ~~dentist or dental hygienist's~~ dentist/dental hygienist's practice or inconsistent with the ~~dentist or dental hygienist's~~ dentist/dental hygienist's scope of practice. ~~Dental hygienists may not receive continuing education credit for any course which deals exclusively with the subjects of anesthesia, diagnosis or treatment planning.~~

~~(c) No continuing education credit shall be given for identical courses taken during the same year.~~

~~(d)~~ (c) One (1) hour of continuing education credit shall be given for each hour of attendance and an hour of attendance shall be defined as exceeding Fifty (50) minutes. Two (2) hours of continuing education credit shall be given for each hour taught by a ~~dentist or dental hygienist~~ dentist/dental hygienist at a continuing education program ~~approved by the Board~~; provided, however, that no more than one-half ~~(2)~~ (1/2) of the annual required hours can be completed or satisfied in this manner. A ~~dentist or dental hygienist~~ dentist/dental hygienist cannot attain more than eight (8) hours of continuing education credit for any one day.

~~(e)~~ (d) Programs meeting the general requirements of paragraph 5(a) above may be developed and offered to ~~dentists and dental hygienists~~ dentists/dental hygienists by any of the following agencies or organizations:

1. (i) National, state, district or local dental associations affiliated with the American Dental Association or the National Dental Association;

2. (ii) Accredited dental colleges or schools;

3. ~~(iii)~~ National, state, district or local dental hygienists associations affiliated with the American or National Dental Hygienist Association or the American Dental Assistants Association and their constituent and opponent associations and societies;

4. ~~(iv)~~ Accredited dental hygiene colleges or schools; and

5. ~~Other organizations, schools, para-professional programs or agencies approved by the Board of Dental Examiners of Alabama.~~

~~(f)~~ (e) The Board of Dental Examiners of Alabama shall have the right to monitor or audit any course or program to determine whether that course or program is in compliance with these rules.

(6) LICENSEES EXCUSED FROM CONTINUING EDUCATIONAL REQUIREMENTS.

(a) Any ~~dentist or dental hygienist~~ dentist/dental hygienist licensed in the State of Alabama but practicing outside the State of Alabama; however, if such person returns to the State of Alabama, and desires to practice ~~dentistry or dental hygiene~~ dentistry/dental hygiene, ~~he or she~~ he/she shall then be required to submit evidence to the Board of Dental Examiners of Alabama prior to being allowed to practice, that they have attended and completed within the preceding five (5) years continuing education courses or programs which comply with these rules in a number of hours not less than twenty (20) nor more than One Hundred (100).

(b) Dentists enrolled fulltime in a postgraduate specialty training or residency program at a dental school accredited by the American Dental Association's Commission on Dental Accreditation.

(c) Dental hygienists enrolled fulltime in an academic program directly related to ~~dentistry or dental hygiene~~ dentistry/dental hygiene, including but not limited to the Alabama Dental Hygiene Program.

(d) Any ~~dentist or dental hygienist~~ dentist/dental hygienist who has permanently retired from the practice of ~~dentistry or dental hygiene~~ dentistry/dental hygiene; however, if said person desires to return to the active practice of ~~dentistry or dental hygiene~~ dentistry/dental hygiene, then ~~he or she~~ he/she shall then be required to submit evidence to the Board of Dental Examiners of Alabama, prior to being allowed to practice, that they have attended and completed within the preceding five (5) years continuing education courses or programs which comply with these rules ~~in a number of hours not less than twenty (20) nor more than One Hundred (100).~~

(e) ~~Dentists or dental hygienists~~ Dentists/dental hygienists who are not practicing and can demonstrate to the Board of Dental Examiners of Alabama good cause for being excused from the application of these rules, such excuses including but not limited to age, disability, illness or disease. If such person returns to the active practice of ~~dentistry or dental hygiene~~ dentistry/dental hygiene, then that person shall first be required to attend and complete continuing education courses or programs that would comply with these rules in a number of hours deemed appropriate by the Board of Dental Examiners of Alabama.

(f) Any ~~dentist or dental hygienist~~ dentist/dental hygienist who fails to comply with the provisions of these rules or who otherwise violates the Alabama Dental Practice Act in connection with the requirements of these rules or relating to any information to be maintained or submitted to the Board as provided for in these rules shall be, upon notice

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and hearing, subject to the penalties outlined in Code of Ala. 1975, Code of Alabama (1975), Section 34-9-18(b): §34-9-18(b).

Statutory Authority Code of Ala. 1975, Code of Alabama (1975), §§34-9-2, 34-9-15(b), 34-9-18(1), 34-9-43(1).

Original Rule Filed: January 10, 1991, Amended: Filed November \_\_\_\_, 2011