

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-5.04  
Rule Title: Rule Making Proceedings  
\_\_\_\_\_ 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. Bennett*

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-5.04 Rule-Making Proceedings.

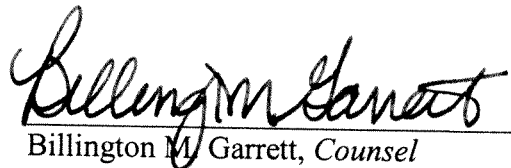
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to correctly site statutory authority and to clarify language.

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-5.04

TITLE OF RULE: Rule-Making Proceedings.

(1) Notice.

(a) The Board shall give at least ~~35~~ thirty-five (35) days' days notice of any proposed action on any rule by publication in the Alabama Administrative Monthly and shall otherwise comply with the notice requirements stated in Code of Ala. 1975, Code of Alabama (1975), §41-22-5(a)(1).

(b) Any person who has made a timely request of the agency for advance notice of its rulemaking proceedings and who has furnished the Board with a sufficient amount of money to cover the cost of mailing shall receive a copy of the notice referred to above.

(2) Public Hearings. The Board shall afford all interested persons reasonable opportunity to submit data, views or arguments, either orally or in writing. Any data, views, or arguments submitted in writing must be received by the secretary-treasurer of the Board at least seven (7) days before the date specified in the notice as the day of the public hearing. Those persons wishing to appear before the Board to present data, views, or arguments orally must submit a request to appear before the Board to the secretary-treasurer, and such request must be received by the secretary-treasurer at least seven (7) days before the scheduled public hearing. This request shall contain a complete summary of the data, views, or arguments which are to be orally presented.

(3) Board Decision. The Board shall fully consider all written and oral submissions concerning every proposed rule action. Upon adoption of a rule, the Board, if conflicting views are submitted on the proposed rule, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling any consideration urged against its adoption.

(4) Emergency Rules. In the event the Board finds that immediate danger to the public health, safety, or welfare requires adoption of a rule upon fewer than ~~35~~ thirty-five (35) days' days notice, or that action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than ~~35~~ thirty-five (35) days' days notice, the Board may adopt an emergency rule under the provisions of Code of Ala. 1975, Code of Alabama (1975), §41-22-5(b).

(5) Compliance with the Alabama Administrative Procedure Act. All rules adopted by the Board shall otherwise substantially and procedurally comply with the provisions of the Alabama Administrative Procedure Act.

Statutory Authority Code of Ala. 1975, Code of Alabama (1975), §§34-9-43, 41-22-5.  
Original Rule Filed: September 28, 1982, Amended: Filed November \_\_\_\_, 2011