

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-5.09

Rule Title: Non-Disciplinary Administrative Penalties

_____ 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 

Date: 12/6/11

Board of Dental Examiners of Alabama

NOTICE OF INTENDED ACTION

RULE NUMBER: 270-X-5.09

TITLE OF RULE: Non-Disciplinary Administrative Penalties.

Any ~~dentist or dental hygienist~~ dentist/dental hygienist who is found to be in violation of the following requirements of the Alabama Dental Practice Act shall have imposed a non-disciplinary administrative penalty in the amount set forth below:

- (1) As to dentists only, failing to renew their DEA registration within one (1) year of the expiration thereof.
- (2) As to dentists only, any practice owner who allows a ~~dentist or dental hygienist~~ dentist/dental hygienist to practice without a current annual registration permit.
- (3) As to dentists only, by failing to comply with the provisions of ~~Code of Alabama (1975), Code of Alabama (1975), §34-9-15.1.~~
- (4) Failing to timely renew any license or permit required pursuant to the Alabama Dental Practice Act and performing activities which require the applicable license or permit during the time the same was expired.
- (5) Failing to comply with the provisions of Board Rule 270-X-4.04. In addition to the applicable penalty, the licensee shall be required to make up the number of deficient hours by December ~~31~~ thirty-first (31st) of the following renewal period.
- (6) The penalty for a violation by dentists shall be up to five hundred dollars and 00/100 (\$500.00) ~~\$500.00.~~
- (7) The penalty for a violation by dental hygienists shall be up to two hundred dollars and 00/100 (\$250.00) ~~\$250.00.~~
- (8) Failure to pay the penalty within the time prescribed by the ~~board~~ Board, unless otherwise notified, will result in disciplinary action.
- (9) A ~~dentist or dental hygienist~~ dentist/dental hygienist shall not qualify for the non-disciplinary administrative penalty referenced above for more than two (2) violations occurring within five (5) years of any prior application of this rule.

Statutory Authority ~~Code of Ala. 1975, Code of Alabama (1975), §§34-9-18(17), Act 2009-18.~~
Original Rule Filed: July 24, 2009, Amended: Filed November __, 2011