

APA1  
07/04

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No. N/A Department or Agency Board of Dental Examiners of Alabama  
Rule No: 270-X-4.04  
Rule Title: Continuing Education  
         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

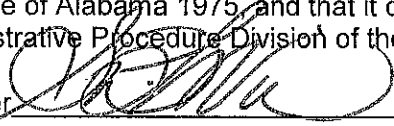
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Does the proposed rule have an economic impact? No

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 412223, 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 

Date 2/16/16

(DATE FILED)  
(STAMP)

APA2  
07/04

**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 Continuing Education

INTENDED ACTION: Amendment

**SUBSTANCE OF PROPOSED ACTION:**

This proposed amendment sets the time period for certification of continuing education to align with the renewal of dental and dental hygiene licenses. The amendment also clarifies the requirements for continuing education related to C.P.R. and infectious disease control certifications. Lastly, the amendment clarifies the beginning date of required continuing education for graduate of dental residency programs who are applying for a dental license.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:**

A Public Hearing will be convened at 6:30 pm on Thursday, April 7, 2016 at:  
5346 Stadium Trace Parkway, Suite 112  
Hoover, Alabama 35244

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

Any written comments must be received by April 4, 2016. Comments may be sent via mail or email at the addresses below.

**CONTACT PERSON AT AGENCY:**

Ms. Susan F. Wilhelm  
*Executive Director and General Counsel*  
5347 Stadium Trace Parkway, Suite 112  
Hoover, Alabama 35244  
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susan@dentalboard.org



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Susan Franklin Wilhelm  
Board of Dental Examiners of Alabama

270-X-4.04 Mandatory Continuing Education for Dentists and Dental Hygienists.

(1) NUMBER OF HOURS.

(a) Effective October 1, 2016, Dentists shall complete ~~forty (40)~~ twenty (20) hours of continuing education every ~~two (2)~~ years as a condition of licensure renewal; provided, however, that no more than one-half (1/2) of the 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 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 ~~twenty-four (24)~~ twelve (12) month period beginning October 1 of the ~~initial each~~ year and ending September 30 of the ~~second calendar~~ next year afterward. The ~~two (2)~~ calendar year period shall begin on the date of the initial certification or on the date of any subsequent recertification. ~~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. Dentists must maintain current certification in cardiopulmonary resuscitation (CPR) at the basic support level by the American Heart Association, American Red Cross, or an equivalent program; provided, however this requirement shall be satisfied only by completing an in-person training. During the two-year CPR certification term, a dentist may only apply four hours of CPR training to their annual requirement. 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, dentists must maintain current certification in infectious disease control as it relates to the dental office or to the practice of dentistry. During the four-year infectious disease control certification term, a dentist may only apply two hours of said training to their annual requirement. 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 ~~eight (8)~~ four (4) hours for the ~~twenty-four~~ twelve (12) month period. Practice management courses shall not exceed a total of ~~six (6)~~ three (3) hours for the ~~twenty-four (24)~~ twelve (12) month period.~~

(b) Effective October 1, 2016, Dental Hygienists shall complete ~~twenty-four (24)~~ twelve (12) hours of continuing education every ~~two (2)~~ years as a condition of licensure renewal; provided, however, that no more than one-half (1/2) of the 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 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 ~~twenty-four (24)~~ twelve (12) month period beginning October 1 of the

~~initial each year and ending September 30 of the second calendar next year afterward. The two (2) calendar-year period shall begin on the date of the initial certification or on the date of any subsequent recertification. 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. Dental hygienists must maintain current certification in cardiopulmonary resuscitation (CPR) at the basic support level by the American Heart Association, American Red Cross, or an equivalent program; provided, however this requirement shall be satisfied only by completing an in-person training. During the two-year CPR certification term, a dental hygienist may only apply four hours of CPR training to their annual requirement. 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. Further, dental hygienists must maintain current certification in infectious disease control as it relates to the dental office or to the practice of dentistry. During the four-year infectious disease control certification term, a dental hygienist may only apply two hours of said training to their annual requirement. 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 eight (8) four (4) hours for the twenty-four twelve (12) month period. Practice management courses shall not exceed a total of six (6) three (3) hours for the twenty-four (24) twelve (12) month period.~~

(c) Dentists/dental hygienists will be allowed up to ~~eight (8)~~ four (4) hours of credit for the ~~twenty-four~~ twelve 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 or completed a dental residency 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~~ However, 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/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/dental hygienist to

maintain the above described documentation and information pertaining to each year for a period of two (2) ~~six (6)~~ years and this information shall be submitted to the Board of Dental Examiners of Alabama within thirty (30) days after a request for the same by the Board.

(b) Each dentist/dental hygienist must submit by the 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/dental hygienist shall then be notified that either:

1. They have fulfilled the requirements of these rules and their annual registration will be issued or
2. They will be notified there are deficiencies or non-compliance with these rules and their annual registration will not be issued until the 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/dental hygienist who receives notification that their annual registration will not be issued because of 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 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/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/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/dental hygienist, after hearing, to those penalties outlined in Code of Alabama (1975), §.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 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/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. Competency in treating patients who are medically compromised or who experience medical emergencies during the course of dental treatment;
2. Knowledge of pharmaceutical products and the protocol of the proper use of medications or controlled substances;
3. Competency to diagnose oral pathology;
4. Awareness of currently accepted methods of infection control;
5. 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. 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. 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/dental hygiene and ethical considerations in the practice of dentistry/dental hygiene; and
8. 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. Personal finances;

2. Presentations by political or public figures or other persons who do not deal primarily with dental or dental hygiene practice;

3. Personal motivational courses; and

4. Presentations by political or public figures or other persons who do not deal primarily with dentistry/dental hygiene practice; Basic educational or cultural subjects not directly related to the practice of dentistry/dental hygiene, outside the scope of the dentist/dental hygienist's practice or inconsistent with the dentist/dental hygienist's scope of practice.

(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/dental hygienist at a continuing education program provided, however, that no more than one-half (1/2) of the annual required hours can be completed or satisfied in this manner. A dentist/dental hygienist cannot attain more than eight (8) hours of continuing education credit for any one day.

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

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

2. Accredited dental colleges or schools;

3. 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. Accredited dental hygiene colleges or schools; and

(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/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/dental hygiene, 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/dental hygiene, including but not limited to the Alabama Dental Hygiene Program.

(d) Any dentist/dental hygienist who has permanently retired from the practice of dentistry/dental hygiene; however, if said person desires to return to the active practice of dentistry/dental hygiene, then 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.

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

Author: Board of Dental Examiners of Alabama

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

History: Filed January 10, 1991; effective October 1, 1991. Amended: Filed April 3, 1997; effective May 8, 1997. Amended: Filed September 4, 1998; effective October 11, 1998. Amended: Filed July 11, 2003; effective August 15, 2003. Amended: Filed August 11, 2004; effective September 15, 2004. Amended: Filed February 14, 2005; effective March 21, 2005. Amended: Filed March 15, 2006; effective April 19, 2006. Amended: Filed July 29, 2008; effective September 2, 2008. Amended: Filed February 22, 2012; effective March 28, 2012.