

No. 190.

AN ACT

Regulating and defining the powers and duties of the Dental Council and the State Board of Dental Examiners; providing for appointment of examiners; defining qualifications of applicants for examination; condition of granting and revoking licenses; regulating and limiting and defining the practice of dentistry; limiting and defining operator in dental surgery; prohibiting practice by or employment of unlicensed and unregistered persons, and providing punishment therefor; requiring the recording of licenses and registration of practitioners and disposition of fees and fines; providing for an annual registration fee for licensed practitioners and the disposition of such fees; defining evidence of violations and providing punishment; fixing the appropriations to the Dental Council.

Section 1. Be it enacted, &c., That the Dental Council of Pennsylvania shall consist of the Secretary of Internal Affairs, the Commissioner of Health, the Superintendent of Public Instruction, the President and First Vice-President of the Pennsylvania State Dental Society, and the Secretary of the Board of Dental Examiners.

The Dental Council may make and adopt for its government all necessary rules, regulations, and by-laws, and shall locate and maintain an office within this State for the transaction of its business. Three members of the Dental Council, one of whom shall be the President or First Vice-President of the Pennsylvania State Dental Society or the Secretary of the Board of Dental Examiners, shall constitute a quorum for the transaction of business.

The Dental Council shall elect a president, secretary, and treasurer, whose terms of office shall be for one year or until their successors shall be elected. The president shall be elected only from the members of the Dental Council.

The Dental Council shall supervise and provide rules, in conformity with the provisions of this act, for the examination of all applicants for license to practice dentistry in this Commonwealth, and shall keep records of their transactions, and a registry of all licenses granted by them, stating the name, age, residence, and qualifications of the person licensed to practice dentistry and whether qualified by examination or otherwise. Said registry shall be a public record and accessible as such, and shall be kept at the place provided for the purpose in the Capitol, in Harrisburg.

The Dental Council shall receive annually the sum of two thousand dollars, to be paid by the State Treasurer on the warrant of the Auditor General, from which the Dental Council shall pay the salary of its secretary, stenographers and clerks, postage, and all

Dentistry.
Dental Council.
Personnel.

Rules.
Office.
Quorum.

Officers.

Examination and
licensing of
dentists.

Registry.

Appropriation.

its other expenses, including mileage, and ten dollars to each member for each day's attendance at regular meetings of the Dental Council.

Granting of licenses.

Section 2. The Dental Council shall have sole power to grant licenses to practice dentistry in this Commonwealth to any person who may be duly qualified under the provisions of this act.

Revocation of licenses.

The Dental Council shall also have sole power, after hearing before it, to revoke licenses to practice dentistry, if the accused shall have been guilty of malpractice or convicted of a felony or of violating the dental laws of this Commonwealth or shall be addicted to the use of narcotic drugs: Provided, That any person whose license shall have been revoked shall have the right of appeal to a court of competent jurisdiction.

Applications for licenses.

Fee.

Qualifications.

Any person may present to the Dental Council a written application for a license to practice dentistry, together with a fee of twenty-five dollars, and with proof that he or she is not less than twenty-one years of age, is of good moral character, and has obtained a competent education, together with a diploma conferring upon him or her the degree of Doctor of Dental Surgery or other established dental degree from a reputable educational institution approved by the Dental Council and maintaining a four years course in dentistry, and with further proof that the applicant is not at the time under indictment for the violation of any act of Assembly regulating the practice of dentistry, thereupon the Dental Council may authorize the examination of such person by the State Board of Dental Examiners.

Issuance of license.

Upon receiving from the Board of Dental Examiners a report of the examination for license of any applicant who shall have been returned as having successfully passed said examination, the Dental Council shall issue to the applicant a license to practice dentistry in the State of Pennsylvania. Every license to practice dentistry issued pursuant to this act shall be subscribed by the officers of the Dental Council and by each Dental Examiner who reported the applicant as having successfully passed the examination such as is provided by this act, and said license shall be sealed with the seal of the Dental Council of the Commonwealth of Pennsylvania, and shall be recorded in a book to be kept in the office of the Dental Council, and the number of the book and page therein containing said record shall be noted upon said license.

Subscription of license.

Seal.

Recordation.

Dentists of other States or countries.

Upon the recommendation of the Board of Dental Examiners, the Dental Council may also issue a license, upon the payment of a fee of twenty-five dollars, to any person who is of good moral character

and who shall furnish proof that he or she has a license to practice dentistry granted by the dental council or other lawfully constituted authority of any other State or country where the preliminary and professional education required by law is equal to that of the laws provided by this Commonwealth.

The Dental Council may also license any applicant who has been in the actual lawful practice of dentistry for not less than ten years, upon the report of the Board of Dental Examiners that, after due investigation or examination, it finds his or her education and professional attainments and experience to be together fully equal to the requirements for license in this Commonwealth.

Dentists now practicing.

The Board of Dental Examiners shall keep a book of registration at the office of the board, in which shall be registered the names and addresses of each person duly qualified under existing laws or who may hereafter become qualified to conduct the practice of dentistry in Pennsylvania.

And it shall be the duty of all persons now qualified and engaged in the practice of dentistry, or who shall hereafter be licensed by the Dental Council to engage in such practice in this Commonwealth, to be registered with the said Board of Dental Examiners as practitioners on or before the first day of January, one thousand nine hundred and twenty-two, and thereafter to register with said Board of Dental Examiners in like manner annually on or before the first day of January of each succeeding year. The form and method of such registration shall be provided for by the said Board of Dental Examiners in such manner as will enable the Dental Examining Board to carry into effect the purposes of this act.

Each person so registering with the Board of Dental Examiners shall pay, for each annual registration and for the certificate hereinafter provided, a fee of one dollar, which sum shall accompany the application for such registration. The money thus received shall be used by the Board of Dental Examiners for the purpose of carrying into effect the provisions of this act against unlicensed and unregistered practitioners and for such other purposes, connected with the duties of said board, as it shall deem necessary and advisable.

Upon receiving a proper application for such registration, accompanied by the fee above provided, the said Board of Dental Examiners shall issue its certificate of registration to the applicant entitled to registration, upon which shall be noted the number of the book and the page therein containing the record of such registration. Said certificate, together with its renewals, shall be good and sufficient evidence of registration under the provisions of this act.

Practicing without registering.

Any person who shall practice dentistry without having been registered in accordance with the provisions of this act shall, on conviction thereof before any magistrate, alderman, or justice of the peace in the county where the offense shall have been committed, be subject to a fine or penalty of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), to be collected by summary conviction as like fines and penalties are now by law collected, or, in case of nonpayment of such fine, to undergo an imprisonment in the county jail for a period not exceeding ten (10) days: Provided, That any person so convicted shall have the right of appeal as in other cases of summary conviction.

Penalty.

Appeal.

Every license issued, other than as the result of an examination, shall state the grounds upon which it is granted.

Disposition of fees.

All fees collected by the Dental Council shall be disbursed by the Dental Council in payment of the expenses of the Board of Dental Examiners: Provided, That any surplus unexpended at the end of any fiscal year shall be apportioned among the Dental Examiners in proportion to the number of applicants for license respectively examined by each during said fiscal year.

Dental Examiners.

Section 3. The Board of Dental Examiners of the Commonwealth of Pennsylvania shall consist of six persons, whose term of office shall be for three years from the first day of September of the year in which they may be appointed.

Nomination of members.

The Pennsylvania State Dental Society shall have power to nominate from its membership at least double the number of candidates required to fill the vacancies occurring annually in the office of Dental Examiner. Said candidates shall have been engaged in the actual practice of denistry in this Commonwealth during a period of not less than ten years.

Appointment.

The Governor of this Commonwealth shall have power to appoint Dental Examiners to fill all vacancies occurring from any cause only from the candidates nominated as aforesaid. No member of the faculty of a dental college shall be eligible to appointment as a member of the State Board of Dental Examiners. In the event of failure of the Pennsylvania State Dental Society to nominate candidates as aforesaid, the Governor shall appoint members in good standing of the said society without other restrictions. The Governor shall have power to remove any examiner for continued neglect of duty, incompetency, or dishonorable conduct.

Eligibility.

Removal.

Powers of Dental Examiners

The Board of Dental Examiners may make all necessary rules, regulations, and by-laws concerning the transaction of its business, subject to the approval of

the Dental Council, and shall have power to require attendance of persons and papers and take testimony concerning all matters within its jurisdiction, and the presiding officer of said board, or of any committee thereof, shall have power to issue subpoenas and administer oaths.

Section 4. For the purpose of examining applicants for license, the State Board of Dental Examiners shall hold two stated meetings each and every year, to wit: one in June and one in December. The June meetings shall be held simultaneously in Philadelphia and Pittsburgh. The December meetings shall be held simultaneously in Philadelphia and Pittsburgh or, in the discretion of the board, may be in Harrisburg.

Examinations.

Time.

Special meetings may be held, the time and place to be fixed by said board. Due notice of all meetings shall be given. At stated and special meetings, a majority of the board shall constitute a quorum thereof, but the examinations may be conducted by a committee of one or more of the examiners duly authorized by the said board.

All candidates for examination for license to practice dentistry in the State of Pennsylvania shall be required to pass an examination by the State Board of Dental Examiners upon the following subjects: First, general anatomy and physiology; second, special dental anatomy; third, dental histology; fourth, dental physiology; fifth, chemistry and metallurgy; sixth, materia medica; seventh, dental pathology, bacteriology, and therapeutics; eighth, anaesthesia; ninth, oral surgery; tenth, principles and practice of operative and posthetic dentistry.

Subjects of examination.

Said examination shall be conducted in writing, and shall embrace all the subjects named in this act. Each applicant shall also furnish to the Board of Dental Examiners satisfactory evidence of his or her proficiency in the manipulative procedures of dentistry, either by producing an example of his or her work with proof of the execution of the same, or by a practical demonstration of his or her skill in the presence of the examiner. After each stated examination, an official report, signed by the president and secretary and each acting member of the said Board of Dental Examiners, stating the examination average of each candidate in each branch, the general average, and the results of the examination, whether successful or unsuccessful, shall be transmitted to the Dental Council. The said report shall embrace all the examination papers, questions, and answers thereto. All such examination papers shall be filed by the Dental Council, at Harrisburg, and kept for reference and inspection for a period of not less than five years.

Conduct of examination.

Manipulative procedures.

Report of examination.

Section 5. It shall be the duty of each person practicing dentistry within this Commonwealth to display,

Dentists must display names.

And license and certificate.

Recordation of licenses.

Failure to record.

Operators in dental surgery.

Practicing without registration.

What constitutes practicing.

Students.

or cause to be displayed, his or her name at a conspicuous place at or near the entrance to the office or place where he or she is practicing dentistry, and to keep his or her license and certificate of registration displayed in a conspicuous place where he or she practices, in such manner as to be easily seen and read, under penalty of having his or her license revoked by the Dental Council. Every person practicing dentistry within this Commonwealth at the time of the passage of this act shall, within six months from the passage thereof, cause his or her license to be recorded in the office of the prothonotary of the court of common pleas of each county in which such person shall practice dentistry, unless the same shall have already been recorded in said county. And every person hereafter licensed to practice dentistry in this Commonwealth shall, within one month of the date of his or her license, cause said license to be recorded as aforesaid. Any person who shall neglect to cause his or her license to be recorded as herein provided shall be construed to be practicing dentistry without a license. The provisions of this section shall apply as well to operators in dental surgery as to practitioners in dentistry, and in all sections of this act "operator in dental surgery" shall be understood and construed to include all persons engaged in the practice of dentistry, as the same is defined in the following section of this act, and acting under the direction of another.

Section 6. It shall be unlawful for any person to practice dentistry, or to employ any person as an operator in dental surgery or practitioner in dentistry, or to act as or to cause or permit any person to act as an operator in dental surgery or as a practitioner in dentistry, who is not duly qualified and registered as a practitioner in dentistry as provided by law. A person shall be deemed to be engaged in the practice of dentistry within the meaning of this act who shall treat diseases or lesions of the human teeth or jaws, or perform operations of any kind thereon, or insert any artificial teeth, fixtures, or appliances for the restoration, regulation, or improvement of the dental organs, or who shall take X-ray pictures of the human teeth or jaws, or who is manager, proprietor, or conductor of a place for performing dental operations, or who, for a fee, salary, or other reward paid or to be paid to himself or another person, performs any of the before-named dental operations, or who uses the word "dentist," "dental surgeon," or other letters or titles in connection with his name which in any way represent him as being engaged in the practice of dentistry. This act is not intended to prevent a bona fide student in regular attendance upon any dental college

In this State from practicing dentistry, under the direct supervision of one of his teachers, in the regular infirmary of such college, or a legal practitioner of another State making a clinical demonstration before any incorporated dental society for the purpose of instruction and without remuneration. This act shall not prohibit physicians or surgeons, in the regular practice of their profession, from extracting teeth for the relief of pain or making applications for such purpose or from taking X-ray pictures of the human teeth or jaws.

Teachers.

Physicians.

Section 7. It shall be unlawful for any person to circulate or advertise fraudulent or misleading statements as to the skill of the operator, the quality of the materials, drugs, or medicines used, or methods practiced.

False advertising.

Section 8. Any person who shall practice dentistry without becoming licensed, or who shall practice dentistry under any name other than that on his or her State license, or who shall practice dentistry or induce any person to practice dentistry in violation of any of the provisions of this act, not hereinbefore provided for, or who shall be guilty of the violation of the provision of section seven of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment not exceeding six months, or both fine and imprisonment, at the discretion of the court.

Violations.

Misdemeanor.

Penalty.

Nothing in this act shall be so construed as to prohibit any licensed dentist from identifying himself or herself by the use, after his or her name, of the words "formerly practicing as," placed before the assumed or trade name under which he or she practiced prior to the passage of this act.

Use of former assumed names.

In all legal proceedings a statement certified by the Secretary of the Dental Council under seal shall be prima facie evidence as to whether or not any person is licensed to practice dentistry within this Commonwealth, and a statement certified by the Secretary of the Board of Dental Examiners shall be prima facie evidence as to whether or not any person has registered in accordance with the provisions of section two of this act.

Evidence.

All fines received under this act from convictions resulting from information instituted at the instance of the Pennsylvania State Dental Society shall be paid to the said society.

Disposition of fines.

The State Board of Dental Examiners may examine prospective candidates for license to practice dentistry in the fundamental branches of the curriculum at the end of the second year of the four years' course.

Intermediate examinations.

Section 9. All acts and parts of acts inconsistent with this act are repealed.

Repeal.

Act of March
19 1921.

This act shall not interfere or be held inconsistent with a supplement to the act of May seventh, one thousand nine hundred and seven (Pamphlet Laws, one hundred and sixty-one), approved the nineteenth day of March, one thousand nine hundred and twenty-one.

APPROVED—The 5th day of May, A. D. 1921.

WM. C. SPROUL.

No. 191.

AN ACT

To amend the act, approved the twenty-sixth day of June, one thousand eight hundred and seventy-three (Pamphlet Laws, one thousand eight hundred and seventy-four, page three hundred and thirty-two), entitled "An act to regulate the commission or license fee to be paid by auctioneers," by exempting auctioneers selling only live stock and farm implements from the provisions of the act.

Auctioneers.

Section 1. Be it enacted, &c., That the act, approved the twenty-sixth day of June, one thousand eight hundred and seventy-three (Pamphlet Laws, one thousand eight hundred and seventy-four, page three hundred and thirty-two), entitled "An act to regulate the commission or license fee to be paid by auctioneers," which reads as follows:—

Section 1, act of
June 26, 1874 (P.
L. 332), cited for
amendment.

"Section 1. Be it enacted, &c., That from and after the first day of May next, auctioneers shall be rated with merchandise brokers, and, in lieu of all commissions heretofore directed to be paid by them, shall pay, in the same manner as brokers, a license tax similar to that paid by said brokers and no other: Provided, That no auctioneer's license shall be issued for the city and county of Philadelphia for a less sum than five hundred dollars; and all former laws or parts of laws at variance with this act or prescribing other forms shall be, and are hereby, repealed," is hereby amended to read as follows:—

License tax.

Section 1. Be it enacted, &c., That from and after the first day of May next, auctioneers shall be rated with merchandise brokers, and, in lieu of all commissions heretofore directed to be paid by them, shall pay, in the same manner as brokers, a license tax similar to that paid by said brokers and no other: Provided, That *nothing in this act contained shall be construed to require the licensing of or the payment of a license tax by any auctioneer for selling live stock or farm implements.*

Auctioneers selling
live stock or farm
implements.

License fee.

No auctioneer's license shall be issued for the city and county of Philadelphia for a less sum than five hundred dollars; and all former laws or parts of laws at variance with this act or prescribing other forms shall be, and are hereby, repealed.

Repeal.

APPROVED—The 5th day of May, A. D. 1921.

WM. C. SPROUL.