

AN ACT

Relating to dentistry; defining and providing for the licensing and registration of dentists and dental hygienists, and for the revocation and suspension of such licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction; providing penalties; and repealing existing laws.

The Dental
Law.

Section 1. Be it enacted, &c., That—Short Title.—This act shall be known, and may be cited, as “The Dental Law.”

Section 2. Definitions.—A person engages in the “Practice of Dentistry,” within the meaning of this act, who diagnoses, treats, operates on, or prescribes for any disease, pain or injury, or regulates any deformity or physical condition, of the human teeth, jaws, or overlying tissues, or who fits, constructs, and inserts any artificial appliance, plate, or denture for the human teeth or jaws, or who holds himself or herself as being able or legally authorized to do so. The term “Practice of Dentistry” does not include:

(a) The practice of any of the healing arts by duly licensed practitioners.

(b) The extracting of teeth or relieving pain by a licensed physician or surgeon in emergencies, or the making of applications for such purposes.

(c) The taking of X-ray pictures of the human teeth, jaws or adjacent structures.

(d) The calling into this Commonwealth, for consultation, of a duly licensed practitioner of dentistry of any other state or country with respect to any case under treatment or demonstrating before any duly authorized dental society in this Commonwealth.

(e) The practice of dentistry by bona fide students of dentistry in clinical departments and laboratories of approved dental colleges.

A “Dental Hygienist” is one who is legally licensed as such by the said dental council and examining board to remove tartar deposits, accretions, and stains from the exposed surfaces of the teeth and directly beneath the free margin of the gums, in the office of a dentist or any public or private institutions such as schools, hospitals, orphan asylums, and sanitoriums or State health cars, but does not perform any other operation or work on the teeth, jaws, gums or mouth whatever.

The word “board,” as used in this act, means the State Dental Council and Examining Board.

Section 3. General Powers of the State Dental Council and Examining Board.—The State Dental Council and Examining Board (hereinafter called the board), created, appointed, and organized in accordance with the

provisions of the Administrative Code, and its amendments, shall have power:

(a) To establish and alter, from time to time, the standards of preliminary and professional education and the training required for licensure to practice dentistry and as dental hygienists.

(b) To investigate and determine the acceptability and to approve and disapprove institutions and colleges of this State and of other states and countries for the education of students desiring to be licensed to practice dentistry or as dental hygienists, and to revoke approvals where such institutions and colleges no longer are deemed proper.

(c) To provide for and to regulate the licensing, and to license to practice dentistry, after examination, any duly qualified applicant, at least twenty-one years of age, of good moral character, not addicted to the use of intoxicating liquor or narcotic drugs, who has obtained the required education, together with a diploma from an approved institution or college conferring upon him or her the degree of doctor of dental surgery or other established dental degree.

(d) To provide for and to regulate the licensing, and to license as a dental hygienist, after examination, any duly qualified person, not less than nineteen years of age, of good moral character, not addicted to the use of intoxicating liquor or narcotic drugs, who has obtained the required education, together with a certificate or diploma from an approved institution or college for the training of dental hygienists.

(e) To prescribe the subjects, character, manner, time and place of examinations and the filing of applications for examinations, and to conduct and provide for the conduct of the examinations; to make written reports of such examinations, which reports shall be preserved in the Department of Public Instruction for a period of not less than five years; to collect such fees for such examinations as may be fixed according to law; and to issue licenses to such applicants as successfully pass such examination.

(f) To accept and endorse, as valid in this Commonwealth, licenses to practice dentistry or as dental hygienists issued by other states and countries, and to accept as properly qualified any applicant who has been examined and certified by the National Dental Examining Board, upon the payment of such fees as prescribed according to law for applicants in this State: Provided, That the standards of such other state and country or of such national board are, in the opinion of the board, equal to the standards of this Commonwealth: And provided further, That such other state and country shall recognize and endorse, as valid in such state or country, licenses issued by this Commonwealth.

(g) To prescribe the professional title or other desig-

nation which any person licensed under this act may use in connection with his or her name in the practice of dentistry or as a dental hygienist, to regulate the use of the same, and to prosecute those who illegally use the same.

(h) To investigate and conduct hearings, either before the membership of the board or committees thereof, and to discipline and prosecute those guilty of illegal practices.

(i) To suspend and revoke, by majority action of the entire board, the license or registration of any licensee who has been guilty of a crime or misdemeanor involving moral turpitude; or of fraudulent or unlawful practices, or fraudulent, misleading or deceptive representations; or of unprofessional conduct; or of false, misleading or deceptive advertising as respects the skill of the operator, the quality of materials, drugs or medicines used, or methods practiced; or of habitual intemperance, or who is addicted to the use of narcotic drugs, or is insane; and to reinstate licenses and registrations in any cases where a majority of the entire board shall determine the same to be just and proper.

(j) To provide for, regulate, and require all persons licensed in accordance with the provisions of this act to register annually with the board; to prescribe the form of such registrations; to require, as a condition precedent to such annual registration, the payment of such annual registration fee as shall be fixed according to law; to issue annual registration certificates to such persons; and to suspend or revoke the license or registration of such persons as fail, refuse or neglect to register annually, or pay such fee. The Department of Public Instruction shall be required to publish annually a list of the persons registered for that particular year.

(k) To keep a record, and it shall be the duty of the board so to do, of all licenses and registrations issued and all registrations made with the board, and to prescribe the form of such record.

(l) To submit biennially to the Department of Public Instruction an estimate of the financial requirements of the board for administrative, investigative, legal, and miscellaneous expenses.

(m) To administer and enforce the laws of the Commonwealth relating to the practice of dentistry and dental hygienists, and to instruct and require its agents to bring prosecutions for unauthorized and unlawful practices.

(n) To keep minutes and records of all its transactions and proceedings.

(o) To adopt, promulgate, and enforce such rules and regulations as may be deemed necessary by the board and proper to carry into effect the powers hereby conferred.

Section 4. Fees.—The fee for an applicant for ex-

amination and licensure to practice dentistry or as a dental hygienist in this Commonwealth shall be fixed by the Department of Public Instruction in accordance with existing law. It shall be the duty of all persons now qualified and engaged in the practice of dentistry and dental hygiene, or who shall hereafter be licensed by the board, to register annually with said board, and pay for each such annual registration such fee as may be fixed by the Department of Public Instruction.

Section 5. Hearing on Suspensions and Revocation of Licenses and Registrations; Appeals.—Before the license of any licensee or any registration is suspended or revoked by the board, a written copy of the complaint made shall be furnished to the licensee or registrant against whom the same is directed and an opportunity be afforded him or her to be heard before the board, personally and by counsel. At least ten days' written notice of the time and place of such hearing shall be given the licensee or registrant by registered mail addressed to the post office address as shown on the annual registration or other record or information in possession of the board.

Any person aggrieved by the action of the board in suspending or revoking a license or registration, or by any other action of the board which is alleged to be improper, unreasonable or unlawful, may appeal from such action of the board, in writing, to the court of common pleas of Dauphin County.

Appeals from suspensions and revocations of licenses and registrations must be taken within thirty days after such suspension or revocation, of which action immediate notice shall be given the licensee or registrant by registered mail addressed as above provided. In the case of appeals from other actions of the board, the appeal may be taken at any time by the person aggrieved by such action. No such appeal shall act as supersedeas.

Appeals shall be taken by serving upon the department written notice of such appeal, together with reasons for such appeal. Such service shall be made either by filing the said notice of appeal in the office of the department, or, in the event that a hearing has been had, by delivering the same to the deputy, whether general or special, before whom the hearing in the case was had.

Within thirty (30) days after the service of such notice of appeal, the department shall file with the prothonotary of the said court of common pleas a transcript of the records of the proceedings, if any, in its office, duly certified over the seal of the department, which record shall include all papers on file with the department affecting or relating to the inquiry or investigation, if any, conducted by the department, and all the evidence taken in the hearing, if any, including the stenographic notes of testimony. Notice of the filing of the said transcript,

with the term and number to which filed, shall be forthwith given by the department to the licensee or registrant and as well to the party or parties, if any, upon whose complaint the proceedings before the department were instituted. The cost of the said transcript, at twenty-five cents per folio, and one dollar for certification, shall be entered as part of the record costs in the cause, to be paid as the court may direct. In all proceedings upon such appeal, the Department of Justice shall appear for and represent the Commonwealth.

The court, upon application by the board or the appellant, shall fix a time and place for hearing, at which time, or at any adjournment thereof, the appeal shall be heard by the judge or judges of the court without a jury, by whom the proceedings before the department, if any, its findings and rulings, shall be given similar weight, force, and effect as are accorded to the findings and report of a referee selected or appointed under the provisions of the act, entitled "An act to provide for the submission of civil cases, by agreement of the parties, to a referee learned in the law," approved the fourteenth day of May, one thousand eight hundred and seventy-four, and its supplements. After hearing, the court may sustain, modify or reverse the action of the board as in its judgment the facts shall warrant.

Either party may appeal from the decision of the court of common pleas of Dauphin County to the Superior Court, but not later than thirty days after the entry of the decree by said court. Such appeals shall be taken and prosecuted in the same manner and with like effect as is provided by law in other cases of appeal to the Superior Court, and the records certified to the Superior Court shall contain all that was before the court of common pleas. The decree of the Superior Court shall be final and conclusive.

Section 6. Records to Be Public and Be Received in Evidence.—The records of the board shall be public and open to inspection during business hours. Copies thereof, duly certified by the Superintendent of Public Instruction or any of his deputies, shall be received in evidence in all courts and elsewhere.

Section 7. Collection and Payment Over of Fees.—All fees collected under the provisions of this act shall be received by the Department of Public Instruction, shall be paid into the State Treasury, through the Department of Revenue, for the use of the general fund of the Commonwealth.

Section 8. Status of Existing Practitioners Preserved.—Any person licensed or legally authorized to practice dentistry or as a dental hygienist in this Commonwealth at the time this act takes effect shall thereafter continue to possess the same rights and privileges with respect to the practice of dentistry or as a dental hygienist without being required to be licensed anew

under the provisions of this act, subject, however, to the power of the board, as provided in this act, to suspend or revoke the license of any such person for any of the causes set forth in this act, and subject to the power of the board to require any such person to register annually with the board, as provided in this act.

Section 9. *Employes and Assistants.*—The Department of Public Instruction shall assign to the board such clerks, stenographers, assistants, and investigators as may be deemed necessary to carry out and enforce the provisions of this act.

Section 10. *Penalties.*—It is unlawful for any person to practice dentistry, or to hold himself or herself out as a practitioner of or entitled or authorized to practice dentistry, or to assume any title of "dentist," "dental surgeon," or other letters or titles in connection with his or her name which in any way represent him or her as being engaged in the practice of dentistry or authorized so to do, unless he or she has been duly licensed, registered, and authorized to engage in such practice under the provisions of this act.

It is unlawful for any person to practice dentistry or as a dental hygienist under a name other than that on his or her license and annual registration, or induce any person to practice dentistry or as a dental hygienist in violation of this act.

It is unlawful for any person to practice dentistry or as a dental hygienist unless his or her license and annual registration are displayed in his or her regularly established place of business.

It is unlawful for a person practicing dentistry to employ a dental hygienist as his or her assistant unless such assistant is licensed and registered as a dental hygienist as required by this act and the rules and regulations of the board.

Any person violating any of the provisions of this section, or any other provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, or to suffer imprisonment not exceeding six months, or both, in the discretion of the court.

Section 11. *Right of Dentists to Practice as Dental Hygienists; Rights of Dental Laboratories and Mechanics.*—Nothing contained in this act shall be construed as prohibiting a duly licensed and registered dentist from performing the work of a dental hygienist. Nothing contained in this act shall be construed to prevent any dental laboratory or dental mechanic from manufacturing and furnishing to licensed and registered dentists artificial teeth, crowns, bridges, prosthetic work, and regulating appliances, but it shall be unlawful and constitute the practice of dentistry for any dental mechanic or person employed in a dental laboratory or for any other person to fit, or attempt to fit, or to furnish

to any other person artificial teeth, crowns, bridges, prosthetic work, or appliances.

Section 12. Constitutional Construction.—The provisions of this act are severable, and if any of its provisions are declared unconstitutional, the decision so holding shall not be construed as impairing any other provision of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein.

Section 13. Effective Date.—This act shall take effect on the first day of January, one thousand nine hundred and thirty-four.

Section 14. Repeals.—The following acts of assembly are hereby repealed absolutely as of the first day of January, one thousand nine hundred and thirty-four:

The act approved the sixth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred six), entitled “An act to establish a Dental Council and a State Board of Dental Examiners, to define the powers and duties of said Dental Council and said State Board of Dental Examiners, to provide for the examination and licensing of practitioners of dentistry, and to further regulate the practice of dentistry.”

The act approved the seventh day of May, one thousand nine hundred and seven (Pamphlet Laws, one hundred sixty-one), entitled “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 licenses; regulating and limiting the practice of dentistry; prohibiting practice by, or employment of, unlicensed persons, and providing punishment therefor; and disposition of fees and fines, and fixing the appropriation to the Dental Council.”

The act approved the fifth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, three hundred ninety-nine), entitled “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 appropriation to the Dental Council.”

All other acts and parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 1st day of May, A. D. 1933.

GIFFORD PINCHOT

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No. 77

AN ACT

To further amend section one of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (Pamphlet Laws, one hundred eighteen), entitled "An act ceding concurrent jurisdiction of this State over certain lands owned or hereafter acquired by the United States," by providing that certain descriptions and plans heretofore required to be filed with the Secretary of the Commonwealth shall hereafter be filed in the Department of Internal Affairs, and requiring the transfer to the Department of Internal Affairs of such descriptions and plans now filed with the Secretary of the Commonwealth.

Section 1. Be it enacted, &c., That section one of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (Pamphlet Laws, one hundred eighteen), entitled "An act ceding concurrent jurisdiction of this State over certain lands owned or hereafter acquired by the United States," as amended by the act approved the seventeenth day of March, one thousand nine hundred five (Pamphlet Laws, forty-five), is hereby further amended to read as follows:

Section 1. Be it enacted, &c., That the jurisdiction of this State is hereby ceded to the United States of America over all such pieces or parcels of land, not exceeding ten acres in any one township, ward of city, or borough, within the limits of this State, as have been or shall hereafter be selected and acquired by the United States for the purpose of erecting postoffices, custom houses or other structures, exclusively owned by the general government, and used for its purposes: Provided, That an accurate description and plan of such lands, so acquired, verified by the oath of some officer of the general government having knowledge of the facts, shall be filed with the [Secretary of the Commonwealth] *Department of Internal Affairs* of this State, as soon as said United States shall have acquired possession of the same: And provided further, That this cession is upon the express condition that the State of Pennsylvania shall so far retain concurrent jurisdiction with the United States, in and over all lands acquired or hereafter acquired as aforesaid, that all civil and criminal process, issued by any court of competent jurisdiction or officers having authority of law to issue such process, and all orders made by such court, or judicial officers

Real estate.

Section 1, act of June 13, 1883 (P. L. 118), as amended by act of March 17, 1905 (P. L. 45), further amended.

Jurisdiction over lands ceded to the United States.

Limit.

Postoffices, custom houses, etc.

Plans to be filed with Department of Internal Affairs.

Concurrent jurisdiction.

Civil and criminal process.