

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

HOUSE BILL No. 83

(By Mr. Van Sinker)



PASSED March 7, 1937

In Effect 90 days from Passage

**ENROLLED**  
**House Bill No. 83**  
(By MR. VAN SICKLER)

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[Passed March 2, 1937; in effect ninety days from passage.]

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AN ACT to amend and reenact sections two, seven and fourteen, article four, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, relating to the practice of dentistry.

*Be it enacted by the Legislature of West Virginia:*

That sections two, seven and fourteen, article four, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, relating to the practice of dentistry, be amended and reenacted to read as follows:

Section 2. Any person shall be regarded as practicing  
2 dentistry within the meaning of this article, who shall diag-  
3 nose or profess to diagnose or treat or profess to treat, any  
4 of the diseases or malformations or lesions of the oral cavity,

5 teeth, gums, or maxillary bones, or shall prepare or fill  
6 cavities in human teeth, correct malposition of teeth or jaws  
7 or supply artificial teeth as substitutes for natural teeth, or  
8 administer anaesthetics, general or local, in connection with  
9 any of said work, or perform any other work included in the  
10 curricula of recognized dental colleges. To open an office for  
11 the practice of dentistry, or to announce to the public in any  
12 way a readiness to do any act defined herein as the practice  
13 of dentistry, shall be construed as engaging in the practice  
14 of dentistry within the meaning of this article: *Provided,*  
15 *however,* That this section :

16 (1) Shall not apply to a duly licensed physician or sur-  
17 geon in the practice of his profession when rendering dental  
18 relief in emergency cases, unless he undertakes to reproduce  
19 or reproduces lost parts of the human teeth, or to restore  
20 or replace lost or missing teeth in the human mouth.

21 (2) Shall not apply to the construction, alteration, or  
22 repair of bridges, crowns, dentures, or other prosthetic or  
23 orthodontic appliances when the casts or impressions for  
24 such work have been made or taken by a licensed dentist:  
25 *Provided, however,* That a written authorization signed by a

26 licensed dentist must accompany the order for such work or  
27 such work must be performed in the office of a licensed dentist  
28 under his direct and personal supervision: *and provided fur-*  
29 *ther,* That such prosthetic or orthodontic appliances shall not  
30 be advertised or sold, directly or indirectly, to the public by  
31 the dental technician or dental laboratory either as principal  
32 or agent. The burden of providing either such written au-  
33 thorization, or proof of direct and personal supervision, shall  
34 be upon the person charged with the violation of this act.

35 (3) Shall not apply to students enrolled in and regularly  
36 attending any dental college recognized by the state board of  
37 dental examiners, provided their acts are done in said dental  
38 college and under the direct and personal supervision of their  
39 instructor.

40 (4) Shall not apply to licensed or registered dentists of  
41 another state temporarily operating a clinic under the aus-  
42 pices of a duly organized and reputable dental college or  
43 reputable dental society, or to one lecturing before a reputable  
44 society composed exclusively of dentists.

45 (5) Shall not apply to licensed dental hygienists in the  
46 performance of their duties as otherwise provided by law.

47 (6) Shall not apply to the practice of dentistry by den-  
48 tists whose practice is confined exclusively to the service of  
49 the United States Army, the United States Navy, the United  
50 States Public Health Service, or the United States Veteran's  
51 Bureau, or any other authorized United States government  
52 agency or bureau.

Sec. 7. The state board of dental examiners may refuse to  
2 issue a license to practice dentistry or dental hygiene in this  
3 state, or after issuance may suspend or revoke the same, for  
4 any of the following causes:

- 5 (1) The presentation to the board of any diploma, license  
6 or certificate, illegally or fraudulently obtained, or one ob-  
7 tained from an institution which is not reputable, or one  
8 obtained from an unrecognized or irregular institution or  
9 state board.
- 10 (2) Be guilty of gross ignorance or gross inefficiency in  
11 his profession.
- 12 (3) Conviction of a felony; and a certified copy of the  
13 record of the court of conviction shall be sufficient proof of  
14 such conviction.
- 15 (4) Be guilty of unprofessional conduct. The following

16 acts or any of them shall be conclusively presumed to be un-  
17 professional conduct :

18 (a) Be guilty of any fraud or deception.

19 (b) The commission of a criminal operation or conviction  
20 of a crime involving moral turpitude.

21 (c) Chronic or persistent inebriety or addiction to nar-  
22 cotics or drugs.

23 (d) Be guilty of the violation of any professional confi-  
24 dence or be guilty of disclosing any professional secret.

25 (e) Be grossly immoral.

26 (f) Be guilty of employing what are known as "cappers"  
27 or "steerers" to obtain business.

28 (g) The obtaining of any fee by fraud or misrepresenta-  
29 tion.

30 (h) Employ directly or indirectly, or direct or permit  
31 any suspended or unlicensed person so employed, to perform  
32 operations of any kind or to treat lesions of the human teeth  
33 or jaws or correct malimposed formations thereof.

34 (i) Practice, or offer or undertake to practice, dentistry  
35 under any firm name or trade name or under any name other  
36 than his own true name: *Provided*, That any licensee may

37 practice under a firm name or partnership name containing  
38 nothing but the surname of every member of such firm or  
39 partnership.

40 (j) Professional connection or association with, or lending  
41 his name to another, for the illegal practice of dentistry, or  
42 professional connection or association with any person, firm,  
43 or corporation, holding himself, themselves, or itself out in  
44 any manner contrary to this act.

45 (k) Make use of any advertising relating to the use of  
46 any drug or medicine of unknown formula.

47 (l) Advertise to practice dentistry or perform any opera-  
48 tion thereunder without causing pain.

49 (m) Advertise professional superiority or the perform-  
50 ance of professional services in a superior manner.

51 (n) Advertise prices charged for professional service.

52 (o) Advertise by means of large display, flickering, or  
53 glaring light signs, or contain as a part thereof the repre-  
54 sentation of a tooth, teeth, or bridge work, or any portion  
55 of the human head.

56 (p) Employ or make use of advertising solicitors or free  
57 publicity press agents.

58 (r) Advertise to guarantee any dental service.

59 (s) Advertise in any manner calculated to, or tending to,  
60 deceive or mislead the public: *Provided*, That such licensee  
61 may announce, by way of a professional card containing not  
62 more than his name, title, degree, office location, office hours,  
63 business telephone number, and residence address and tele-  
64 phone number, if desired, and if he limits his practice to a  
65 specialty he may announce it, but such card shall not be  
66 greater in any case than sixteen inches by twenty-two inches  
67 in size, and such information may be inserted in public print  
68 when not more than eight newspaper columns in width and  
69 twenty-five inches in depth; and he may announce his change  
70 of place of business, absence from, or return to, business in  
71 the same manner, and issue appointment cards to his patients,  
72 when the information thereon is limited to matter pertaining  
73 to the time and place of appointment and that permitted on  
74 the professional card, and he may display his name, title,  
75 and degree upon the windows or doors of his office and by a  
76 door plate or name plate or office directory when the infor-  
77 mation is limited to not more than that contained on the  
78 professional card, but the name, title and degree of the

79 licensee shall not be displayed on said doors, windows, door  
80 plates, and name plates or office directory in lettering greater  
81 in height than seven inches.

82 The term advertising, as used in this section, shall be con-  
83 strued to include the use of radio or any loud speaking device  
84 or any other similar method or agency.

85 This entire section is passed in the interest of the public  
86 health, safety and welfare and its provisions shall be liberally  
87 construed to carry out its object and purpose. Each and  
88 every provision of this section is hereby declared to be inde-  
89 pendent and severable, and should any portion or provision  
90 or provisions of this section be held unconstitutional or for  
91 any other reason invalid, the remaining portion or portions,  
92 or provision or provisions shall not be thereby affected.

93 Sec. 14. No person, who has not been licensed as a dental  
94 hygienist in this state on or before the first day of September,  
95 one thousand nine hundred thirty-seven, shall practice as a  
96 dental hygienist in this state until he has passed an exami-  
97 nation given by the West Virginia Board of Dental Exam-  
98 iners under such rules and regulations as it may formulate.  
99 The fee for the examination shall be ten dollars and any

8 applicant failing to pass it shall be entitled to one re-exami-  
9 nation without further costs. The fee for every re-examina-  
10 tion after the first shall be five dollars. The board of dental  
11 examiners shall issue licenses to practice dental hygiene in  
12 this state to those who have passed such examination or re-  
13 examination, as the case may be: *Provided, however,* That no  
14 person shall be entitled to such dental license unless he be:  
15 (a) at least eighteen years of age, (b) of good moral charac-  
16 ter, (c) a graduate of a class "A" high school or its equiva-  
17 lent, and (d) be either a graduate of a training school for  
18 dental hygienists, which school requires for graduation or  
19 any degree the completion of a course of study covering a  
20 period of not less than two years of at least nine months  
21 each of actual continuous attendance and gives a suitable  
22 course covering the subject of dental hygiene, or be a gradu-  
23 ate of any training school for dental hygienists approved by  
24 the American Dental Association.

Enrolled H. B. No. 88 10

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Red B Galbraith*

Chairman Senate Committee

*Will G Baker*

Chairman House Committee

Originated in the.....

Takes effect..... passage.

*Charles E. Hoyle*

Clerk of the Senate

*Mo. Hill*

Clerk of the House of Delegates

*Chas. E. Hoyle*

President of the Senate

*James H. Thomas*

Speaker House of Delegates

The within..... this the.....

day of....., 1937.

.....  
Governor.

Filed in the office of the Secretary of State  
of West Virginia. **MAR 12 1937**

Wm. S. O'BRIEN,  
Secretary of State

I certify that the foregoing act, having been presented to the Governor for his approval, and not having been returned by him to the House of the Legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval

This the.....day of.....

19.....

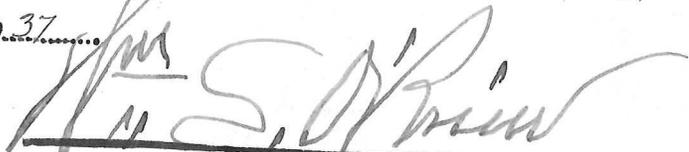
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SECRETARY OF STATE

I certify that the foregoing act, having been presented to the Governor for his approval, and not having been returned by him to the House of the Legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

This the *12<sup>th</sup>* day of *March*,

19*37*.....



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SECRETARY OF STATE