WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1937

ENROLLED

HOUSE BILL No. 83

(By Mr. Van Sickle)

PASSED March 7, 1937

In Effect 90 days from Passage
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 dentistry within the meaning of this article, who shall diagnose or profess to diagnose or treat or profess to treat, any of the diseases or malformations or lesions of the oral cavity,
teeth, gums, or maxillary bones, or shall prepare or fill cavities in human teeth, correct malposition of teeth or jaws or supply artificial teeth as substitutes for natural teeth, or administer anaesthetics, general or local, in connection with any of said work, or perform any other work included in the curricula of recognized dental colleges. To open an office for the practice of dentistry, or to announce to the public in any way a readiness to do any act defined herein as the practice of dentistry, shall be construed as engaging in the practice of dentistry within the meaning of this article: Provided, however, That this section:

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

(2) Shall not apply to the construction, alteration, or repair of bridges, crowns, dentures, or other prosthetic or orthodontic appliances when the casts or impressions for such work have been made or taken by a licensed dentist: 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.
(6) Shall not apply to the practice of dentistry by dentists whose practice is confined exclusively to the service of the United States Army, the United States Navy, the United States Public Health Service, or the United States Veteran's Bureau, or any other authorized United States government agency or bureau.

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

(1) The presentation to the board of any diploma, license or certificate, illegally or fraudulently obtained, or one obtained from an institution which is not reputable, or one obtained from an unrecognized or irregular institution or state board.

(2) Be guilty of gross ignorance or gross inefficiency in his profession.

(3) Conviction of a felony; and a certified copy of the record of the court of conviction shall be sufficient proof of such conviction.

(4) Be guilty of unprofessional conduct. The following
acts or any of them shall be conclusively presumed to be un-
professional conduct:

(a) Be guilty of any fraud or deception.

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

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

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

(e) Be grossly immoral.

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

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

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

(i) Practice, or offer or undertake to practice, dentistry
under any firm name or trade name or under any name other
than his own true name: Provided, That any licensee may
practice under a firm name or partnership name containing nothing but the surname of every member of such firm or partnership.

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

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

(l) Advertise to practice dentistry or perform any operation thereunder without causing pain.

(m) Advertise professional superiority or the performance of professional services in a superior manner.

(n) Advertise prices charged for professional service.

(o) Advertise by means of large display, flickering, or glaring light signs, or contain as a part thereof the representation of a tooth, teeth, or bridge work, or any portion of the human head.

(p) Employ or make use of advertising solicitors or free publicity press agents.
Advertise to guarantee any dental service. Provided, That such licensee may announce, by way of a professional card containing not greater in any case than sixteen inches by twenty-two inches in size, and such information may be inserted in public print when not more than eight newspaper columns in width and twenty-five inches in depth; and he may announce his change of place of business, absence from, or return to, business in the same manner, and issue appointment cards to his patients, when the information thereon is limited to matter pertaining to the time and place of appointment and that permitted on the professional card, and he may display his name, title, and degree upon the windows or doors of his office and by a door plate or name plate or office directory when the information is limited to not more than that contained on the professional card, but the name, title and degree of the
licensee shall not be displayed on said doors, windows, door
plates, and name plates or office directory in lettering greater
in height than seven inches.

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

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

Sec. 14. No person, who has not been licensed as a dental
hygienist in this state on or before the first day of September,
one thousand nine hundred thirty-seven, shall practice as a
dental hygienist in this state until he has passed an exami-
nation given by the West Virginia Board of Dental Exam-
iners under such rules and regulations as it may formulate.
The fee for the examination shall be ten dollars and any
applicant failing to pass it shall be entitled to one re-examination without further costs. The fee for every re-examination after the first shall be five dollars. The board of dental examiners shall issue licenses to practice dental hygiene in this state to those who have passed such examination or re-examination, as the case may be: Provided, however, That no person shall be entitled to such dental license unless he be:

(a) at least eighteen years of age, (b) of good moral character, (c) a graduate of a class "A" high school or its equivalent, and (d) be either a graduate of a training school for dental hygienists, which school requires for graduation or any degree the completion of a course of study covering a period of not less than two years of at least nine months each of actual continuous attendance and gives a suitable course covering the subject of dental hygiene, or be a graduate of any training school for dental hygienists approved by the American Dental Association.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the

Takes effect

passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within day of , 1937.

Governor.
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 ______________ day of ______________ 19_____________.

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SECRETARY OF STATE