

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



ENROLLED

HOUSE BILL No. 899

(By Mr. Waters.....)



PASSED March 10,.....1967

In Effect for..... Passage



FILED IN THE OFFICE

ROBERT D. BAILEY

SECRETARY OF STATE

THIS DATE 3-20-67

668 #

ENROLLED
House Bill No. 899

(By MR. WATSON)

[Passed March 10, 1967; in effect from passage.]

AN ACT to amend and reenact sections four-a and twelve article four, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto two new sections, designated sections four-b and four-c, relating to the practice of dentistry by dental corporations in the state of West Virginia; providing powers and duties of the board of dental examiners and the secretary of state; the means of incorporation; providing limitations, penalties and a severability clause and authorizing said practice of dentistry under a corporate name.

Be it enacted by the Legislature of West Virginia:

That sections four-a and twelve, article four, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto two new sections, designated sections four-b and four-c, all to read as follows:

ARTICLE 4. DENTISTS, DENTAL HYGIENISTS AND DENTAL CORPORATIONS.

§30-4-4a. Powers and duties.

1 The West Virginia board of dental examiners shall ex-
2 amine all qualified applicants for license to practice den-
3 tistry or dental hygiene, and it shall license all such
4 applicants who are qualified under applicable statutes
5 and who pass the examinations that may be required
6 by statute or by any legally adopted rule or regula-
7 tion. The board shall examine all applications filed
8 in accordance with the provisions of section four-b of this
9 article and shall issue certificates of authorization to all
10 applicants legally entitled to receive the same, such cer-
11 tificates to be signed by the chairman and secretary of
12 the board.

13 The said board shall have the power to make such
14 examination of all applicants appearing before it for any
15 type of license as may be necessary to determine that
16 the applicant is qualified. The board shall also have au-
17 thority to license dental corporations authorized under
18 the provisions of and subject to the limitations of
19 this article, to practice dentistry through duly licensed
20 dentists. The said board shall also have the power to
21 revoke or suspend any license issued by it, for cause,
22 after having given the person whose license is sought
23 to be revoked or suspended, an opportunity to be heard
24 in the manner provided by section eight, article one,
25 chapter thirty of this code. It shall have the power to
26 reinstate any license revoked or suspended by it.

27 The said board is authorized and empowered to hold
28 and conduct hearings and investigations on the issuance,
29 suspension, revocation, or reinstatement of licenses and
30 on charges of unauthorized practice of dentistry or dental
31 hygiene.

32 The board, acting by and through its members, em-
33 ployees, and agents, is further authorized and empowered,

34 at any time during customary office hours, to enter into
35 the office or place of business of any dental laboratory,
36 licensed dentist, dental corporation or other dental prac-
37 titioner of this state, and to obtain access to, make in-
38 spection of, and request information regarding any work
39 authorization which such dental laboratory, licensed den-
40 tist, dental corporation or other dental practitioner is
41 required under the provisions of section two-a of this
42 article, to retain therein, and is further authorized and
43 empowered to inspect any items of dental technological
44 work then in the course of performance by such dental
45 laboratory or person employed by it, and to inspect any
46 dental prosthesis then in the place of business of, or upon
47 the premises occupied by, such dental laboratory for
48 making, production, reproduction, construction, repair,
49 alteration, or restoration, and to request any informa-
50 tion which it, its members, employees, or agents deem
51 to be pertinent relating to any such dental technological
52 work and any such dental prosthesis. For the purpose of
53 this paragraph the definition of terms contained in sub-
54 section (A) of section two-a of this article is made ex-
55 pressly applicable.

56 The said board shall have the power to hire, fix the
57 compensation of, and discharge such employees as are
58 necessary for the performance of the powers and duties
59 vested in the said board by law and to expend such sums
60 as said board may deem necessary to maintain an office
61 and to carry out and enforce the provisions of this article.

§30-4-4b. Registration of dental corporations.

1 When any one or more dentists duly licensed to prac-
2 tice dentistry in the state of West Virginia wish to form
3 a dental corporation, such dentist or dentists shall file a
4 written application with the board of dental examiners,
5 on a form prescribed by the board, and shall furnish proof
6 satisfactory to the board that the signer is such a duly
7 licensed dentist, or if there be more than one that all of
8 the signers of such application are such duly licensed
9 dentists. A fee of twenty-five dollars shall accompany
10 each such application, no part of which shall be return-
11 able.

12 If the board finds that the signer is a duly licensed
13 dentist, or if there be more than one, that all of the sign-
14 ers of such application are such duly licensed dentists,

15 the board shall notify the secretary of state that a certi-
16 ficate of authorization has been issued to the individual
17 or individuals signing such application, to form a dental
18 corporation.

19 When the secretary of state receives notification from
20 the board of dental examiners that a person or persons
21 have been issued a certificate of authorization, he shall
22 attach such authorization to the agreement of incorpor-
23 ation and upon compliance by the corporation with the
24 applicable provisions of chapter thirty-one of this code,
25 shall notify the incorporators that such corporation,
26 through a duly licensed dentist or dentists may engage
27 in the practice of dentistry.

§30-4-4c. Limitations pertinent to dental corporations.

1 (1) A dental corporation may practice dentistry only
2 through an individual dentist or dentists duly licensed
3 to practice dentistry in the state of West Virginia, but
4 such dentist or dentists may be employees rather than
5 shareholders of such corporation, and nothing herein con-
6 tained shall be construed to require a license or other
7 legal authorization of any individual employed by such

8 corporation to perform services for which no license or
9 other legal authorization is otherwise required. Noth-
10 ing contained in this article is meant or intended to
11 change in any way the rights, duties, privileges, respon-
12 sibilities and liabilities incident to the dentist-patient
13 relationship nor is it meant or intended to change in any
14 way the personal character of the dentist-patient rela-
15 tionship. A corporation holding such certificate of au-
16 thorization shall register biennially, on or before the
17 thirtieth day of June, on a form prescribed by the board of
18 dental examiners and shall pay an annual registration fee
19 of fifty dollars.

20 (2) A dental corporation holding a certificate of au-
21 thorization shall cease to engage in the practice of den-
22 tistry upon being notified by the board of dental examiners
23 that any of its shareholders is no longer a duly licensed
24 dentist, or when any shares of such corporation have
25 been sold or disposed of to a person who is not a duly
26 licensed dentist: *Provided*, That the personal represen-
27 tative of a deceased shareholder shall have a period, not
28 to exceed twelve months from the date of such share-

29 holder's death, to dispose of such shares; but nothing
30 contained herein shall be construed as affecting the ex-
31 istence of such corporation or its right to continue to
32 operate for all lawful purposes other than the practice
33 of dentistry.

34 (3) No corporation shall practice dentistry, or any of its
35 branches, or hold itself out as being capable of doing so,
36 without a certificate from the board of dental examiners,
37 nor shall any corporation practice dentistry or any of
38 its branches, or hold itself out as being capable of doing
39 so, after its certificate has been revoked, or if suspended,
40 during the term of such suspension. A certificate signed
41 by the secretary of the board of dental examiners to which
42 is affixed the official seal of the board to the effect that it
43 appears from the records of the board that no such cer-
44 tificate to practice dentistry or any of its branches in
45 the state has been issued to any such corporation speci-
46 fied therein or that such certificate has been revoked or
47 suspended shall be admissible in evidence in all courts
48 of this state and shall be prima facie evidence of the
49 facts stated therein.

50 (4) Any officer, shareholder or employee of such cor-
51 poration who participates in a violation of any pro-
52 vision of this section shall be guilty of a misdemeanor,
53 and, upon conviction, shall be fined not exceeding one
54 thousand dollars.

55 (5) If any provision of section four-b or four-c of
56 this article be held to be invalid, such invalidity shall not
57 affect the other provisions of said sections, and to this end
58 the provisions of said sections are severable.

§30-4-12. Practice of dentistry under trade name or firm name.

1 No person shall practice, or offer or undertake to prac-
2 tice, dentistry under any firm name or trade name, or
3 under any name other than his own true name: *Provided,*
4 That nothing herein contained shall prohibit the practice
5 of dentistry by a partnership under a firm name contain-
6 ing nothing but the surname of every member of such
7 partnership, or by a duly licensed dental corporation.

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

William Tompkins
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Keener
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Coars
President of the Senate

H. Laban White
Speaker House of Delegates

The within approved this the 17
day of March, 1967.

Hullett C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 3/17/67

Time 4:00 p.m.