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SENATE, NO. 43

(P. L. 1915, page 261.)

STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1924.

By Mr. PIERSON.

Referred to Committee on Public Health.

AN ACT to amend an act entitled "An act to regulate the practice of dentistry in the State of New Jersey and to repeal certain acts now relating to the same," approved March thirty-first, one thousand nine hundred and fifteen.

1 BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1 1. Section seven of the act of which this act is amendatory be and the same
2 hereby is amended so that it shall read as follows:

3 7. Any license to practice dentistry in this State may be revoked by the board
4 after notice to the holder thereof and opportunity to be heard, upon proof to the
5 satisfaction of the board that the holder of such license (a) has secured such license
6 through deceit, fraud or willful misrepresentation, or (b) has been convicted of
7 crime involving moral turpitude, or (c) habitually uses drugs or intoxicants to an
8 extent rendering him unfit for the practice of dentistry, or (d) has been guilty of
9 willful malpractice or willful neglect in the practice of dentistry, or (e) has been
10 guilty of employing unlicensed persons to perform work which, under this act, can
11 only legally be done by persons licensed to practice dentistry in this State, or (f) has
12 been convicted more than once of practicing dentistry under a corporate or trade
13 or firm name in violation of the provisions of this act or any amendment thereof,
14 or (g) has willfully practiced deceit or fraud upon the public or individual patients
15 in obtaining or attempting to obtain practice, or (h) has willfully advertised, pub-
16 lished or circulated false, fraudulent or misleading statements of his art, skill or
17 knowledge or of his methods of treatment or practice. Any person whose license

18 shall be revoked in accordance with this section shall be deemed an unlicensed person,
19 and as such shall be subject to the penalties prescribed for unlicensed persons who
20 practice dentistry.

1 2. Section eight of the act of which this act is amendatory be and the same
2 hereby is amended so that it shall read as follows:

3 8. Every licensed dentist shall procure from the secretary-treasurer of said board
4 on or before the first day of November, one thousand nine hundred and fifteen, and on
5 or before the first day of November annually thereafter, an annual certificate of
6 registration; such certificate shall be issued by the secretary-treasurer upon payment
7-8 of a fee of two dollars; all certificates so issued shall be prima facie evidence of the
9 right of the holder to practice dentistry in this State. It shall be the duty of the secre-
10 tary-treasurer of the board to mail to each licensed dentist in this State, on or before the
11 first day of October, one thousand nine hundred and fifteen, and on or before the
12 first day of October annually thereafter, a printed blank form to be filled out by such
13 licensed person, which form shall be returned by such licensed person to the secre-
14 tary-treasurer of said board, properly filled out, together with the fee herein fixed
15 for such annual registration. Upon the receipt of such form and fee,
16 the annual certificate of registration shall be issued and transmitted. The
17 board shall cause a notice to be inserted in not less than three news-
18 papers; one in the city of Trenton, one in the city of Camden, and one in the city of
19 Newark, to the effect that such annual registration will be required. Such notice
20 shall be printed in such papers, once a week for three consecutive weeks between
21 the first day of September and the first day of October, one thousand nine hundred
22 and fifteen, and during the same period annually thereafter. Every licensed dentist
23 who shall continue or engage in the practice of dentistry after having failed to pro-
24 cure any annual certificate of registration at the time and in the manner required by
25 this section shall be subject to a penalty of three hundred dollars for a first offense
26 and six hundred dollars for a second and each subsequent offense.

1 3. Section 9 of the act of which this act is amendatory be and the same hereby
2 is amended so that it shall read as follows:

3 9. That hereafter it shall be the duty of every person practicing dentistry within

4 this State, upon demand in writing made by the secretary-treasurer of said board,
5 to furnish, within thirty days after said demand, to said secretary-treasurer of said
6 board, the name and address of each and every person practicing dentistry, or assist-
7 ing in the practice thereof, in the office of said person. For failure so to do, the said
8 person shall be liable to a penalty of twenty-five dollars, besides costs. Every person
9 practicing dentistry in this State shall at all times display his or her registration cer-
10 tificate for the current year in a conspicuous place in his operating room where the
11 same shall be in plain view of patients and every person who shall practice dentistry
12 within the meaning of this act without having said certificate on display as herein
13 required shall be liable to a penalty of fifty dollars besides costs. Every member and
14 employee of the said board, when identified as herein provided, shall be authorized
15 during ordinary business hours to enter and inspect any dental office or dental labo-
16 ratory for the purpose of enforcing the provisions of this act. Each member and
17 employee of said board shall, when inspecting any dental office or laboratory, carry
18 on his person, and exhibit when properly requested, a card stating his name and con-
19 nection with the board, verified by the signatures of the president and secretary of
20 said board and by the seal of said board.

1 4. Section ten of the act of which this act is amendatory be and the same hereby
2 is amended so that it shall read as follows:

3 10. No corporation shall practice or continue to practice, offer or undertake to
4 practice or hold itself out or continue to hold itself out as practicing dentistry. No
5 person shall practice or continue to practice dentistry as an officer, agent or employee
6 of any corporation or under the name of any corporation. No person shall prac-
7 tice or continue to practice dentistry or offer or undertake to practice or hold himself
8 out or continue to hold himself out as practicing dentistry under any
8½ firm name or trade name or under any name other than his true
9 name; *provided*, that nothing herein contained shall prohibit the practice
10 of dentistry by a partnership under a firm name containing nothing but
11 the surname of every member of said partnership; *and provided, further*, that noth-
12 ing herein contained shall prohibit a licensed dentist from practicing dentistry as
13 the employee of a licensed dentist practicing under his own name or under a firm
14 name containing only the surnames of each member of such firm. Every person

15 or corporation violating any of the foregoing provisions of this section shall be sub-
16 ject to a penalty of three hundred dollars for the first offense and six hundred
17 dollars for the second and each subsequent offense. Every person practicing den-
18 tistry under a firm name as herein authorized and every person practicing dentistry
19 as an employee of another shall cause his full name to be conspicuously displayed
20 and kept in a conspicuous place at the entrance of the place where such practice shall
21 be conducted, and any person who shall neglect to cause his name to be displayed
22 as herein required shall be liable to a penalty of one hundred dollars.

1 5. Section eleven of the act of which this act is amendatory be and the same
2 hereby is amended so that it shall read as follows:

3 11. No person shall practice dentistry within the meaning of this act, unless li-
4 censed so to do. No person shall employ for a stated salary or otherwise, or give
5 aid, or assist any person not regularly licensed to practice dentistry to perform any
6 dental operation upon human beings in this State. Any person who shall violate
7 any of the provisions of this section shall be subject to a penalty of three hundred
8 dollars for the first offense and of six hundred dollars for the second and each sub-
9 sequent offense.

1 6. Section twelve of the act of which this act is amendatory be and the same
2 hereby is amended so that it shall read as follows:

3 12. This act shall not be construed to prohibit an unlicensed person from per-
4 forming mechanical work upon inert matter in a dental office or laboratory; or to
5 prohibit a duly licensed physician from treating the diseases of the mouth or per-
6 forming operations in oral surgery; nothing in the provisions of this act shall be
7 construed to permit the performance of dental operations by any unlicensed person
8 under cover of the name of a registered practitioner; any person shall be regarded
9 as practicing dentistry within the meaning of this act who shall advertise by sign,
10 card, circular, pamphlet or newspaper, or otherwise indicate that he will perform by
11 himself or his agents or servants any operation on, or make examination of, with
12 intent of performing or causing to be performed any operation on the human teeth
13 or jaws, or who is manager, proprietor or conductor of a place where dental oper-
14 ations are performed, or who shall use the words or letters "Doctor of Dental Sur-
15 gery," or "D.D.S." or "D.M.D.," in connection with his or her name, or any other

16 title intended to imply or designate him or her as a practitioner of dentistry, or
 17 who in connection with such title or titles, or without the use of such title, or any
 18 of them, shall treat or profess to treat, either by himself or his agent or servant, or
 19 as agent or servant of another, any of the diseases or lesions of human teeth or jaws,
 20 or extract teeth, or shall prepare or fill cavities in human teeth, or correct the mal-
 21 position of teeth or supply and insert artificial dentures, crowns or bridges
 22 as substitutes for natural teeth, or take any impression of the human gums in connec-
 23 tion with the manufacture of artificial dentures, or perform any operation or make
 24 examination of with the intent of performing or causing to be performed any oper-
 25 ation on the human teeth or jaws.

1 7. This act shall take effect immediately.

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1 BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1 1. Section seven of the act of which this act is amendatory be and the same
2 hereby is amended so that it shall read as follows:

3 7. Any license to practice dentistry in this State may be suspended
4 or revoked by the board upon proof to the satisfaction of the board
5 that the holder of such license (a) has secured such license through de-
6 ceit, fraud or willful misrepresentation, or (b) has been convicted of
7 crime involving moral turpitude, or (c) habitually uses drugs or intoxicants to an
8 extent rendering him unfit for the practice of dentistry, or (d) has been guilty of
9 willful and gross malpractice or willful and gross neglect in the prac-
10 tice of dentistry, or (e) has been guilty of employing unlicensed per-
11 sons to perform work which, under this act, can only legally be done
12 by persons licensed to practice dentistry in this State, or (f) has been
13 convicted more than once of practicing dentistry under a corporate or trade
14 or firm name in violation of the provisions of this act or any amend-
15 ment thereof, or (g) has willfully advertised or published grossly false,
16 fraudulent or misleading statements of his art, skill or knowledge or
17 of his methods of treatment or practice. Any person whose license shall be sus-

18 pended or revoked in accordance with this section shall be deemed an unlicensed per-
19 son, during the period of such suspension or revocation, and as such shall be subject
20 to the penalties prescribed for unlicensed persons who practice dentistry.

21 A. Any person whose license shall be suspended or revoked, under the authority
22 of this act, may in the discretion of the board be relicensed at any time to practice
23 without an examination upon application to the board.

24 Before any license shall be revoked or suspended a notice shall be served upon
25 the accused person, which notice shall specify the grounds for such proposed suspen-
26 sion or revocation and shall name a time and place for hearing. Such notice shall
27 be served upon the accused person either personally or by leaving the same at his
28 place of business or residence at least twenty days before the time fixed for hearing.
29 At the time and place fixed in said notice for said hearing or at any time and place
30 to which the said hearing shall be adjourned the board shall hear the matter in a
31 summary way. The accused person shall have the right to be represented at any such
32 hearing by counsel of his selection. The president of the board shall have the right
33 to administer oaths to witnesses and to issue subpoenas for the compulsory attendance
34 of witnesses at such hearing. Upon the request of the accused person or his counsel
35 the president of said board shall issue subpoenas to compel the attendance of wit-
36 nesses in behalf of the accused, which subpoenas when issued shall be delivered to the
37 accused person or his counsel. Process for the compulsory attendance of witnesses
38 shall be effective if served upon the person named therein anywhere within this State,
39 provided that at the time of such service the fees now or hereafter provided by law
40 for witnesses in civil cases shall be paid or tendered to such person. Any person upon
41 whom a subpoena shall have been served and to whom a fee has been paid or tendered
42 as provided in this act who shall not appear according to the command thereof,
43 having no lawful or reasonable excuse for such default, shall be liable to a penalty of
44 fifty dollars (\$50.00) which shall be sued for and recovered by said board in the
45 manner herein provided for the recovery of penalties incurred under this act.

46 In case the action of the board in revoking or suspending any license shall be
47 reviewed by writ of certiorari, the court shall determine questions of fact as well
48 as of law and inquire into the facts by depositions taken on notice or in such manner
49 as is according to the practice of the court, provided that a transcript of the testimony

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50 taken before said board shall be included in the return to the writ and shall be con-
51 sidered by the court the same as if it had been taken by deposition on notice and
52 either party may take additional testimony. The court may reverse or affirm in
53 whole or in part the finding or determination of the board or pronounce such judgment
54 on the evidence as shall be warranted by the circumstances of the case. The Su-
55 preme Court or any justice thereof in allowing any writ of certiorari shall state in
56 the allocatur whether the same shall have the effect of staying the revocation or sus-
57 pension of such license, and in case it shall not be specifically provided therein that
58 such writ shall act as a stay pending the determination thereof it shall not have such
59 effect.

1 2. Section eight of the act of which this act is amendatory be and the same
2 hereby is amended so that it shall read as follows:

3 8. Every licensed dentist shall procure from the secretary-treasurer of said board
4 on or before the first day of November, one thousand nine hundred and fifteen, and on
5 or before the first day of November annually thereafter, an annual certificate of
6 registration; such certificate shall be issued by the secretary-treasurer upon payment
7-8 of a fee of two dollars; all certificates so issued shall be prima facie evidence of the
9 right of the holder to practice dentistry in this State. It shall be the duty of the secre-
10 tary-treasurer of the board to mail to each licensed dentist in this State, on or before the
11 first day of October, one thousand nine hundred and fifteen, and on or before the
12 first day of October annually thereafter, a printed blank form to be filled out by such
13 licensed person, which form shall be returned by such licensed person to the secre-
14 tary-treasurer of said board, properly filled out, together with the fee herein fixed
15 for such annual registration. Upon the receipt of such form and fee,
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18 papers; one in the city of Trenton, one in the city of Camden, and one in the city of
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22 and fifteen, and during the same period annually thereafter. Every licensed dentist
23 who shall continue or engage in the practice of dentistry after having failed to pro-

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6 board, the name and address of each and every person practicing dentistry, or assist-
7 ing in the practice thereof, in the office of said person. For failure so to do, the said
8 person shall be liable to a penalty of twenty-five dollars, besides costs. Every person
9 practicing dentistry in this State shall at all times display his or her registration cer-
10 tificate for the current year in a conspicuous place in his main operating room where
11 the same shall be in plain view of patients and every person who shall practice dentistry
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13 required shall be liable to a penalty of fifty dollars besides costs. Every member and
14 employee of the said board, when identified as herein provided, shall be authorized
15 during ordinary business hours to enter and inspect any dental office or dental labo-
16 ratory for the purpose of enforcing the provisions of this act. Each member and
17 employee of said board shall, when inspecting any dental office or laboratory, carry
18 on his person, and exhibit when properly requested, a card stating his name and con-
19 nection with the board, verified by the signatures of the president and secretary of
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6 of any corporation or under the name of any corporation. No person shall prac-
7 tice or continue to practice dentistry or offer or undertake to practice or hold himself
8 out or continue to hold himself out as practicing dentistry under any
8½ firm' name or trade name or under any name other than his true

9 name: *provided*, that nothing herein contained shall prohibit the practice
10 of dentistry by a partnership under a firm name containing nothing but
11 the surname of every member of said partnership; and *provided, further*, that noth-
12 ing herein contained shall prohibit a licensed dentist from practicing dentistry as
13 the employee of a licensed dentist practicing under his own name or under a firm
14 name containing only the surnames of each member of such firm. Every person
15 or corporation violating any of the foregoing provisions of this section shall be sub-
16 ject to a penalty of three hundred dollars for the first offense and six hundred
17 dollars for the second and each subsequent offense. Every person practicing den-
18 tistry under a firm name as herein authorized and every person practicing dentistry
19 as an employee of another shall cause his name to be conspicuously displayed
20 and kept in a conspicuous place at the entrance of the place where such practice shall
21 be conducted, and any person who shall neglect to cause his name to be displayed
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6 forming operations in oral surgery; nothing in the provisions of this act shall be
7 construed to permit the performance of dental operations by any unlicensed person
8 under cover of the name of a registered practitioner; any person shall be regarded
9 as practicing dentistry within the meaning of this act who shall advertise by sign,

10 card, circular, pamphlet or newspaper, or otherwise indicate that he will perform by
11 himself or his agents or servants any operation on, or make examination of, with
12 intent of performing or causing to be performed any operation on the human teeth
13 or jaws, or who is manager, proprietor or conductor of a place where dental oper-
14 ations are performed, or who shall use the words or letters "Doctor of Dental Sur-
15 gery," or "D.D.S." or "D.M.D.," in connection with his or her name, or any other
16 title intended to imply or designate him or her as a practitioner of dentistry, or
17 who in connection with such title or titles, or without the use of such title, or any
18 of them, shall treat or profess to treat, either by himself or his agent or servant, or
19 as agent or servant of another, any of the diseases or lesions of human teeth or jaws,
20 or extract teeth, or shall prepare or fill cavities in human teeth, or correct the mal-
21 position of teeth or supply and insert artificial dentures, crowns or bridges
22 as substitutes for natural teeth, or take any impression of the human gums in connec-
23 tion with the manufacture of artificial dentures, or perform any operation or make
24 examination of with the intent of performing or causing to be performed any oper-
25 ation on the human teeth or jaws.