

ASSEMBLY, No. 38

(Revised Statutes, sections 45:6-7 and 45:6-19.)

STATE OF NEW JERSEY

INTRODUCED JANUARY 27, 1941

By Mr. WEGROCKI

Referred to Committee on Public Health

AN ACT concerning the practice of dentistry, and amending sections 45:6-7 and 45:6-19 of the Revised Statutes.

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

1 1. Section 45:6-7 of the Revised Statutes is amended to read as follows:
2 45:6-7. Any license to practice dentistry may be revoked or suspended
3 by the board upon proof to its satisfaction that the licensee:

4 a. Has secured such license through deceit, fraud or willful mis-
5 representation; or

6 b. Has been convicted of a crime involving moral turpitude; or

7 c. Habitually uses drugs or intoxicants to an extent rendering him
8 unfit for the practice of dentistry; or

9 d. Has been guilty of willful and gross malpractice or willful and
10 gross neglect in the practice of dentistry; or

11 e. Has been guilty of employing unlicensed persons to perform work
12 which, under this chapter, can only legally be done by persons licensed
12½ to practice dentistry in this State; or

13 f. Has been convicted more than once of practicing dentistry under
14 a corporate or trade or firm name in violation of the provisions of this
15 chapter; or

15½ g. Has advertised in any manner his products or the price or charge
 16 to be made or the character or durability of his works or products or
 17 anything identical to any of the foregoing, whether by means of circular,
 18 card, sign, poster, advertising matches, mirrors, or other articles, or by
 19 advertisements in newspapers, magazines, or other publications or by
 20 projection by means of light or by crier or radio broadcasting or by use
 21 of advertising solicitors or publicity agents; or has permitted the use
 22 of his name as a dentist by others in the sale of advertisements of
 23 products.

24 h. Has been employed by an unlicensed manager, proprietor, oper-
 25 ator or conductor as defined in section 45:6-19 of this Title or has en-
 26 tered into possession of such dental material or equipment, as may be
 27 necessary for the management of a dental office which is owned by any
 28 such unlicensed manager, proprietor, operator or conductor on the basis
 29 of a lease or other agreement for compensation for the use of such mate-
 30 rial, equipment or office or has entered into any arrangement by which
 31 there is made available to him, for his use, dental material, equipment
 32 or office, the ownership or control of which is retained by any such un-
 33 licensed manager, proprietor, operator or conductor, except where the
 34 transaction is a bona fide sale of dental material or equipment secured
 35 by chattel mortgage or conditional sale agreement.

36 Any person whose license is so suspended or revoked shall be deemed an
 37 unlicensed person during the period of such suspension or revocation, and
 38 as such shall be subject to the penalties prescribed for unlicensed persons who
 39 practice dentistry, and such person may, in the discretion of the board, be
 40 relicensed at any time to practice without an examination upon application to
 41 the board.

1 2. Section 45:6-19 of the Revised Statutes is amended to read as fol-
 2 lows:

3 45:6-19. Any person shall be regarded as practicing dentistry within the
 4 meaning of this chapter who [advertises by sign, card, circular, pamphlet or

5 newspaper, or otherwise indicates that he will perform by himself, or his
 6 agents or servants, any operation on, or make examination of, with the intent
 7 of performing or causing to be performed any operation on, the human teeth
 8 or jaws, or who is manager, proprietor or conductor of a place where dental
 9 operations are performed, or who uses the words or letters, "doctor of dental
 10 surgery", or "D. D. S." or "D.M.D." or the terms "mechanical dentist"
 11 or "prosthetic dentist" or the word "dentist" in English or any foreign
 12 language, or in any way, in connection with his name, or any other title in-
 13 tended to imply or designate himself as a practitioner of dentistry, or who,
 14 in connection with such title or titles, or without the use of such title, or any
 15 of them, treats or professes to treat, either by himself or his agent or
 16 servant, or as agent or servant of another, any of the diseases or lesions of
 17 human teeth or jaws, or extracts teeth, or prepares or fills cavities in human
 18 teeth, or corrects the malposition of teeth, or supplies and inserts artificial
 19 dentures, crowns or bridges as substitutes for natural teeth, or takes any im-
 20 pression of the human gums in connection with the manufacture of artificial
 21 dentures, or performs any operation on, or makes examination of, with the
 22 intent of performing or causing to be performed any operation on, the human
 23 teeth or jaws.]

24 (1) Uses a dental degree, or the terms "mechanical dentist" or the
 25 use of the word "dentist" in English or any foreign language, or desig-
 26 nation, or card, device, directory, poster, sign, or other media whereby
 27 he represents himself as being able to diagnose, treat, prescribe or oper-
 28 ate for any disease, pain, deformity, deficiency, injury, or physical con-
 29 dition of the human tooth, teeth, alveolar process, gums, cheek, or jaws,
 30 or oral cavity and associated tissues; or

31 (2) Is a manager, proprietor, operator, or conductor of a place
 32 where dental operations are performed; or

33 (3) Performs dental operations of any kind gratuitously, or for a
 34 fee, gift, compensation or reward, paid or to be paid, either to himself
 35 or to another person or agency; or

36 (4) Uses himself or by any employee, uses a roentgen or X-ray ma-
 37 chine for dental treatment, dental radiograms, or for dental diagnostic
 38 purposes; or

39 (5) Extracts a human tooth or teeth, or corrects or attempts to cor-
 39½ rect malpositions of the human teeth or jaws; or

40 (6) Offers and undertakes, by any means or method, to diagnose,
 41 treat or remove stains or concretions from human teeth or jaws; or

42 (7) Uses or administers local or general anesthetics in the treatment
 43 of dental or oral diseases or in any preparation incident to a dental
 44 operation of any kind or character; or

45 (8) Takes impressions of the human tooth, teeth, jaws, or performs
 46 any phase of any operation incident to the replacement of a part of a
 47 tooth, teeth, or associated tissues; or

48 (9) Performs any clinical operation included in the curricula of
 49 recognized dental schools or colleges.

50 The terms manager, proprietor, operator or conductor as used in this
 51 chapter shall be deemed to include any person who

52 (1) Employs operators or assistants; or

53 (2) Places in the possession of any operator, assistant, or other
 54 agent such dental material or equipment as may be necessary for the
 55 management of a dental office on the basis of a lease or any other agree-
 56 ment for compensation for the use of such material, equipment or office;
 57 or

58 (3) Retains the ownership or control of dental material, equipment
 59 or office and makes the same available in any manner for the use by oper-
 60 ators, assistants or other agents; *provided, however,* that the above shall
 61 not apply to bona fide sales of dental material or equipment secured by
 62 chattel mortgage.

63 The following practices, acts and operations shall not be regarded as
 64 practicing dentistry within the meaning of this chapter:

65 (1) The rendering of dental relief in emergency cases, in the prac-
66 tice of his professions, by a physician or surgeon, licensed as such under
67 the laws of this State, unless he undertakes to reproduce or reproduces
68 lost parts of the human teeth in the mouth or to restore or replace lost
69 or missing teeth in the mouth; or

70 (2) The practice of dentistry in the discharge of their duties by
71 dentists in the United States Army, Navy, Public Health Service or Vet-
72 erans Bureau; or

73 (3) The operation of a dental school or college as now conducted
74 and approved, or as may be approved, by the Board of Dental Exam-
75 iners; and the practice of dentistry by students in any such dental school
76 or college approved by the board, when acting under the direction and
77 supervision of any registered and licensed dentist acting as instructor; or

78 (4) The practice of dentistry by licensed dentists of other States or
79 countries at meetings of the American Dental Association or component
80 parts thereof, or any other like dental organizations, while appearing
81 as clinicians; or

82 (5) The practice of dentistry by accredited internes operating in
83 hospitals under the supervision of registered and licensed dentists; or

84 (6) The use of roentgen or other rays for making radiograms or
85 similar records of dental or oral tissues under the supervision of a li-
86 icensed dentist or physician; *provided, however,* that such services shall
87 not be advertised, by any name whatsoever, as an aid or inducement to
88 secure dental patronage; *and provided, further,* that no corporation shall
89 advertise that it has, leases, owns or operates a roentgen or X-ray ma-
90 chine for the purpose of making dental radiograms of the human teeth
91 or tissues of the oral cavity, or administering treatment thereto for any
92 disease thereof; or

93 (7) The making of artificial restorations, substitutes, or appliances
94 for the correction of disease, loss, deformity, malposition, dislocation,

95 fracture, or injury to the jaws, teeth, lips, gums, cheeks, palate, or
96 cases, models, or from impressions furnished by a licensed and regis-
97 tered dentist, on written prescription only; *provided*, that such pros-
98 thetic or orthodontic appliances, or the services rendered in the con-
99 struction, repair, or alteration thereof, shall not be advertised, sold or de-
100 livered, directly or indirectly, to the public by the dental technician or
101 dental laboratory as principal or agent.

1 3. This act shall take effect on January first, one thousand nine hundred
2 and forty-two.

STATEMENT

The purpose of this act is stated in its title.

[OFFICIAL COPY REPRINT]

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8 unfit for the practice of dentistry; or

9 d. Has been guilty of willful and gross malpractice or willful and
10 gross neglect in the practice of dentistry; or

11 e. Has been guilty of employing unlicensed persons to perform work
12 which, under this chapter, can only legally be done by persons licensed
12½ to practice dentistry in this State; or

13 f. Has been convicted more than once of practicing dentistry under
14 a corporate or trade or firm name in violation of the provisions of this
15 chapter; or

15½ g. Has advertised in any manner his products or the price or charge
16 to be made or the character or durability of his works or products or
17 anything identical to any of the foregoing, whether by means of circular,
18 card, sign, poster, advertising matches, mirrors, or other articles, or by
19 advertisements in newspapers, magazines, or other publications or by
20 projection by means of light or by crier or radio broadcasting or by use
21 of advertising solicitors or publicity agents; or has permitted the use
22 of his name as a dentist by others in the sale of advertisements of
23 products.

24 h. Has been employed by an unlicensed manager, proprietor, oper-
25 ator or conductor as defined in section 45:6-19 of this Title or has en-
26 tered into possession of such dental material or equipment, as may be
27 necessary for the management of a dental office which is owned by any
28 such unlicensed manager, proprietor, operator or conductor on the basis
29 of a lease or other agreement for compensation for the use of such mate-
30 rial, equipment or office or has entered into any arrangement by which
31 there is made available to him, for his use, dental material, equipment
32 or office, the ownership or control of which is retained by any such un-
33 licensed manager, proprietor, operator or conductor, except where the
34 transaction is a bona fide sale of dental material or equipment secured
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37 unlicensed person during the period of such suspension or revocation, and
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26 nation, or card, device, directory, poster, sign, or other media whereby
27 he represents himself as being able to diagnose, treat, prescribe or oper-
28 ate for any disease, pain, deformity, deficiency, injury, or physical con-
29 dition of the human tooth, teeth, alveolar process, gums, cheek, or jaws,
30 or oral cavity and associated tissues; or

31 (2) Is a manager, proprietor, operator, or conductor of a place
32 where dental operations are performed; or

33 (3) Performs dental operations of any kind gratuitously, or for a
34 fee, gift, compensation or reward, paid or to be paid, either to himself
35 or to another person or agency; or

36 (4) Uses himself or by any employee, uses a Roentgen or X-ray ma-
37 chine for dental treatment, dental radiograms, or for dental diagnostic
38 purposes; or

39 (5) Extracts a human tooth or teeth, or corrects or attempts to cor-
39½ rect malpositions of the human teeth or jaws; or

40 (6) Offers and undertakes, by any means or method, to diagnose,
41 treat or remove stains or concretions from human teeth or jaws; or

42 (7) Uses or administers local or general anesthetics in the treatment
43 of dental or oral diseases or in any preparation incident to a dental
44 operation of any kind or character; or

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46 any phase of any operation incident to the replacement of a part of a
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56 ment for compensation for the use of such material, equipment or office;
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66 tice of his professions, by a physician or surgeon, licensed as such under
67 the laws of this State, unless he undertakes to reproduce or reproduces
68 lost parts of the human teeth in the mouth or to restore or replace lost
69 or missing teeth in the mouth; or

70 (2) The practice of dentistry in the discharge of their duties by
71 dentists in the United States Army, Navy, Public Health Service or Vet-
72 erans Bureau; or

73 (3) The operation of a dental school or college as now conducted
74 and approved, or as may be approved, by the Board of Dental Exam-
75 iners; and the practice of dentistry by students in any such dental school
76 or college approved by the board, when acting under the direction and
77 supervision of any registered and licensed dentist acting as instructor; or

78 (4) The practice of dentistry by licensed dentists of other States or
79 countries at meetings of the American Dental Association or component
80 parts thereof, or any other like dental organizations, while appearing
81 as clinicians; or

82 (5) The practice of dentistry by accredited internes operating in
83 hospitals under the supervision of registered and licensed dentists; or

84 (6) The use of Roentgen or other rays for making radiograms or
85 similar records of dental or oral tissues under the supervision of a li-

86 censed dentist or physician; *provided, however,* that such services shall
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90 chine for the purpose of making dental radiograms of the human teeth
91 or tissues of the oral cavity, or administering treatment thereto for any
92 disease thereof; or

93 (7) The making of artificial restorations, substitutes, or appliances
94 for the correction of disease, loss, deformity, malposition, dislocation,
95 fracture, or injury to the jaws, teeth, lips, gums, cheeks, palate, or
96 cases, models, or from impressions furnished by a licensed and regis-
97 tered dentist, on written prescription only; *provided,* that such pros-
98 thetic or orthodontic appliances, or the services rendered in the con-
99 struction, repair, or alteration thereof, shall not be advertised, sold or de-
100 livered, directly or indirectly, to the public by the dental technician or
101 dental laboratory as principal or agent.

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