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CHAPTER 15

DENTISTS AND DENTAL HYGIENISTS

Subch.	Sec.
I. General Provisions	901
II. Board of Dental Examiners	951
III. Dentists	1001
IV. Dental Hygienists	1051

SUBCHAPTER I

GENERAL PROVISIONS

Sec.

- 901. Change of address.
- 902. Injunction; procedure.
- 903. Power to issue subpoenas; service; oaths.

§ 901. Change of address

Every licensed dentist or dental hygienist, upon changing his place of business, shall within 30 days thereafter furnish the secretary-treasurer of the board with his new address. Failure to comply with this section within the period specified shall be punishable by a fine of \$5.

R.S.1954, c. 73, § 20.

§ 902. Injunction; procedure

When it appears to the board that any person is violating any of the provisions of this chapter, the board may in its own name bring an action in a court of competent jurisdiction for an injunction, and courts of this State may enjoin any person from violation of this chapter, regardless of whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

R.S.1954, c. 73, § 21.

§ 903. Power to issue subpoenas; service; oaths

In all matters pending before it, the board shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books and records, documentary evidence and materials. Any person failing or re-

fusing to appear or testify regarding any matter about which he may be lawfully questioned or to produce any papers, books, records, documentary evidence or materials in the matter to be heard, after having been required by order of the board or by a subpoena of the board to do so may, upon application to any District Court, be ordered to comply therewith, and upon failure to comply with the order of said District Court, the court may compel obedience by attachment as for contempt as in case of disobedience of a similar order or subpoena issued by said court. Every member of the board shall have authority to issue subpoenas, to administer oaths to witnesses or to take their affirmation. A subpoena may be served upon any person named therein anywhere within the State with the same fees and mileage by any officer authorized to serve subpoenas in civil actions, in the same manner as is prescribed in the Revised Statutes for subpoenas issued out of the courts of this State.

R.S.1954, c. 73, § 22; 1963, c. 402, § 106.

SUBCHAPTER II

BOARD OF DENTAL EXAMINERS

Sec.

- 951. Membership; appointment; vacancies; removal; nominations; compensation.
- 952. Elections; quorum; reports; records; treasurer; expenses.
- 953. Investigation of complaints.
- 954. Affiliation with American Association of Dental Examiners.

§ 951. Membership; appointment; vacancies; removal; nominations; compensation

The Board of Dental Examiners, as heretofore established and in this chapter called the "board," shall consist of 5 members of the dental profession appointed by the Governor with the advice and consent of the Council. They shall be graduates of a reputable dental college and shall have been in the actual practice of dentistry in this State for at least 5 years immediately preceding the appointment. One member shall be appointed annually, as the terms of the present members expire, to hold office for 5 years from the first day of January and until his successor is appointed. No person shall be eligible for appointment to the board who has been convicted of a violation of any of the provisions of this or any other prior Dental Practice Act or who has been convicted of a felony. No person shall be eligible to appointment on said board

who shall have served 10 years or more on a dental examining board in this State. Any vacancy in said board shall be filled by the appointment of a person qualified as aforesaid, to hold office during the unexpired term of the member whose place he fills. All said appointments shall be made in the following manner: The Maine Dental Society may at its annual meeting each year nominate 6 members of said society who fulfill all the foregoing requirements, whose names shall be forthwith certified to the Governor by the president and the secretary of said society, and if said list is so submitted in any year, the Governor shall, until the date of the next annual meeting of said society, appoint as dental examiner one of those men whose names appear on said list. The Governor with the advice and consent of the Council may remove any member of said board on proven charges of inefficiency, incompetence, immorality or unprofessional conduct.

The members of the board shall each receive as compensation for their services \$15 a day for the time actually spent and their necessary expenses incurred in the discharge of their duties, to be certified by the secretary of the board.

R.S.1954, c. 73, § 1; 1957, c. 275.

§ 952. Elections; quorum; reports; records; treasurer; expenses

The board shall, at its annual meeting, elect from its members a president, vice-president and a secretary-treasurer. Three members shall constitute a quorum. The board shall have a common seal. The board shall hold one regular meeting each year at a time and place to be fixed by the board, and special meetings at such other times and places as may be necessary. The board shall be permitted to hold examinations for applicants to practice dentistry in Maine, in this State or in any New England dental college, school or dental department of a university recognized by the Council of Dental Education of the American Dental Association as having reputable and satisfactory educational standards. If at any time the said Council of Dental Education should cease to exist, then the board shall have the right to determine the reputability and educational qualifications of dental colleges, schools and dental departments of universities with the right to accept or reject the students of the above-named institutions. They may make such rules, not contrary to law, as they may deem necessary for the performance of their duties, and shall conduct theoretical and practical examinations upon such subjects pertaining to dentistry as are prescribed. They shall annually make

a report of their proceedings to the Governor, and shall furnish to the Secretary of State a list of persons to whom certificates have been granted during the year. A record of proceedings kept by the secretary of the board shall be open for public inspection at reasonable times.

The secretary-treasurer shall receive all fees, charges and assessments payable to the board and account for and pay over the same according to law. The secretary shall receive an annual salary to be fixed by the board not to exceed \$300, which shall be received by him in lieu of a per diem compensation. The secretary shall be paid his necessary expenses incurred in the discharge of his official duties, including clerical and stenographic assistance, printing and postage. Such salary and allowance for expenses shall be certified by the president of the board.

R.S.1954, c. 73, § 2.

§ 953. Investigation of complaints

Each member of the board is constituted an agent, who shall investigate all complaints and all cases of noncompliance with or violation of the provisions of laws relating to dentists. The board is authorized and directed to:

1. Employees; attorney. Employ such persons as it may deem necessary to assist it in carrying out its duties in the administration and enforcement of this chapter, and to provide offices, furniture, fixtures, supplies, printing or secretarial service, and may expend such funds as may be deemed necessary therefor and may, with the approval of the Attorney General, appoint an attorney to advise and assist in the carrying out and enforcing of this chapter;

2. Investigations. Investigate violations of this chapter that may come to the knowledge of the board, and to institute or cause to be instituted before the board or in a proper court appropriate proceedings in connection therewith;

3. Rules and regulations. Adopt rules and regulations to carry out and make effective this chapter and to modify or repeal said rules and regulations whenever in the discretion of the board it is deemed necessary.

R.S.1954, c. 73, § 17.

§ 954. Affiliation with American Association of Dental Examiners

The board may affiliate with the American Association of Dental Examiners, as an active member, and pay regular annual

32 § 954 PROFESSIONS AND OCCUPATIONS Title 32

dues to said association and may send one or more delegates to the meetings of said association. Such delegates shall receive the compensation provided for in section 951.

R.S.1954, c. 73, § 14.

SUBCHAPTER III

DENTISTS

Sec.

- 1001. Definitions; persons excepted.
- 1002. Qualifications.
- 1003. Application for examination; subjects; reexamination.
- 1004. Certificates; fees; registration cards.
- 1005. Reciprocity with other states; fees.
- 1006. Fees for duplicate certificates.
- 1007. Lawful practitioners.
- 1008. Drugs or medicines prescribed.
- 1009. Revocation of certificates; misrepresentation.
- 1010. Hearings.
- 1011. Conviction certified.
- 1012. Unlawful practice.
- 1013. Fraudulent sale or alteration of diplomas.
- 1014. Penalties.

§ 1001. Definitions; persons excepted

1. Practicing dentistry. Any person shall be deemed to be practicing dentistry who performs, or attempts or professes to perform, any dental operation or oral surgery or dental service of any kind, gratuitously or for a salary, fee, money or other remuneration paid, or to be paid directly or indirectly, to himself or to any other person or agency who is a proprietor of a place where dental operations, oral surgery or dental services are performed; or who directly or indirectly, by any means or method, takes impression of the human tooth, teeth, jaws or performs any phase of any operation incident to the replacement of a part of a tooth; or supplies artificial substitutes for the natural teeth, or who furnishes, supplies, constructs, reproduces or repairs any prosthetic denture, bridge, appliance or any other structure to be worn in the human mouth, except on the written prescription of a duly licensed and registered dentist; or who places such appliance or structure in the human mouth, or adjusts or attempts or professes to adjust the same, or delivers the same to any person other than the dentist upon whose prescription the work was performed; or who professes to the public by any method to furnish,

supply, construct, reproduce or repair any prosthetic denture, bridge, appliance or other structure to be worn in the human mouth, or who diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats or professes to treat, disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws or adjacent structure, or who extracts or attempts to extract, human teeth, or corrects or attempts to correct malformations of teeth or of the jaws; or who repairs or fills cavities in the human teeth; or who diagnoses, makes and adjusts appliances to artificial casts or malposed teeth for treatment of the malposed teeth in the human mouth, with or without instruction; or who uses a roentgen or x-ray machine for the purpose of taking dental x-rays or roentgenograms, or who gives or professes to give interpretations or readings of dental x-rays or roentgenograms; or who administers an anaesthetic of any nature in connection with a dental operation, or who uses the words dentist, dental surgeon, oral surgeon or the letters D.D.S., D.M. D. or any other words, letters, title or descriptive matter which in any way represents him as being able to diagnose, treat, prescribe or operate for any disease, pain, deformity, deficiency, injury or physical condition of the teeth or jaws or adjacent structures; or who states, or professes or permits to be stated or professed by any means or method whatsoever that he or she can perform or will attempt to perform dental operations or render a diagnosis connected therewith.

2. Exemptions. Nothing in this chapter shall apply to the following practices, acts and operations:

A. The practice of his profession by a physician or surgeon licensed as such under the laws of this State, unless he practices dentistry as a specialty;

B. The giving by a qualified anaesthetist or registered nurse of an anaesthetic for a dental operation under the direct supervision of a licensed dentist or physician; the removing of sutures, the dressing of wounds, the application of dressings and bandages and injection of drugs subcutaneously or intravenously by a registered nurse under the direct supervision of a licensed dentist or physician;

C. The practice of dentistry in the discharge of their official duties by graduate dentists or dental surgeons in the United States Army, Navy, Public Health Service, Coast Guard or Veterans Bureau;

D. The practice of dentistry by a licensed dentist of other states or countries at meetings of the Maine State Dental

32 § 1001 **PROFESSIONS AND OCCUPATIONS** **Title 32**

Association or components thereof or other like dental organizations approved by the board, while appearing as clinicians;

E. The filling of prescriptions of a licensed and registered dentist by any person or persons, association, corporation or other entity, for the construction, reproduction or repair of prosthetic dentures, bridges, plates or appliances to be used or worn as substitutes for natural teeth, provided such person or persons, association, corporation or other entity shall not solicit nor advertise, directly or indirectly, by mail, card, newspaper, pamphlet, radio or otherwise, to the general public to construct, reproduce or repair prosthetic dentures, bridges, plates or other appliances to be used or worn as substitutes for natural teeth; and

F. The use of roentgen or x-ray machines or other rays for making radiograms or similar records of dental or oral tissue under the supervision of a licensed dentist or physician; such service shall not be advertised by any name whatever as an aid or inducement to secure dental patronage, and no person shall advertise that he has, leases, owns or operates a roentgen or x-ray machine for the purpose of making dental radiograms of the human teeth or tissues or the oral cavity or administering treatment thereto for any disease thereof.

3. Proprietor. The term proprietor, as used in this chapter, shall be deemed to include any person who:

A. Employs dentists or dental hygienists in the operation of a dental office; or

B. Places in possession of a dentist or dental hygienist or other agent such dental material or equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation for the use of such material, equipment or offices; or

C. Retains the ownership or control of dental equipment or material or office and makes the same available in any manner for the use by dentists or dental hygienists or other agents. Nothing in this subsection shall apply to bona fide sales of dental equipment or material secured by a chattel mortgage or retain title agreement. A licensee of dentistry who enters into any of the above described arrangements with an unlicensed proprietor may have his license certificate suspended or revoked by the board.

4. Practice by corporations prohibited; employees. No corporation shall practice, offer or undertake to practice or hold itself out as practicing dentistry. Every person practicing dentistry as an employee of another shall cause his name to be conspicuously displayed and kept in a conspicuous place at the entrance of the place where such practice is conducted.

Nothing herein contained shall prohibit a licensed dentist from practicing dentistry as the employee of another licensed dentist in this State, or from practicing dentistry as the employee of any state hospital or state institution where his only remuneration is from the State or from any corporation which provides dental service for its employees at no profit to the corporation.

R.S.1954, c. 73, § 15.

§ 1002. Qualifications

All persons applying for examination and a certificate to practice dentistry in this State shall be 21 years of age, of good moral character, citizens of the United States and shall be graduates of and have a diploma from a reputable dental college, school or dental department of a reputable university, rated as A or B by the Dental Educational Council of America, and should the Dental Educational Council of America cease to exist, the board shall rate dental colleges, dental schools or dental departments of a university.

R.S.1954, c. 73, § 3.

§ 1003. Application for examination; subjects; reexamination

Not less than 10 days prior to the date upon which an examination is held, each applicant for certificate to practice dentistry shall file an application for examination and pay to the secretary of the board a fee of \$25 and present himself for examination at the first regular meeting of the board after such application is filed. Such fee shall not be refunded unless from sickness or other good cause appearing to the satisfaction of the board such applicant was prevented from attending and completing such examination. The examination shall be practical and theoretical. The theoretical examination may be written or oral, or both, at the option of said board, and shall include the subjects of anatomy, physiology, chemistry, histology, bacteriology, pathology, materia medica, therapeutics, anaesthetics, anaesthesia, operative dentistry, crown and bridge work, prosthetic dentistry, ortho-

32 § 1003 **PROFESSIONS AND OCCUPATIONS** Title 32

dontia, oral hygiene and such other subjects as the board may deem necessary to meet changed conditions in dental education. The board shall require as part of the examination a demonstration of the candidate's skill in operative dentistry and mechanical dentistry. An applicant who fails to pass the first examination to the satisfaction of the board shall be entitled to one reexamination without charge, and the fee for any subsequent examination shall be \$10.

R.S.1954, c. 73, § 4.

§ 1004. Certificates; fees; registration cards

The board shall issue under its seal, to all persons who shall successfully pass said examination, its certificate of ability to practice dentistry in this State, signed by its president and secretary. Whoever engages in the practice of dentistry in this State shall keep his certificate in a conspicuous place in the operating room or rooms in which he practices. Said certificate shall be considered a license to practice dentistry in this State, except that it shall be unlawful for any person to practice dentistry in this State in any year after the year in which said certificate is issued to him unless he shall pay to the treasurer of the board on or before January 1st of said year a fee of \$4 for which he shall receive a registration card, which card shall be placed beside or attached to the certificate. Practitioners who shall not have paid as provided shall be reinstated and licensed for the balance of the current year upon payment of a fee of \$4 if paid before March 1st, and a fee of \$12 if paid subsequent thereto. New applicants having paid the examination fee shall not be subject to the \$4 annual license fee for the calendar year in which they were licensed. It shall be the duty of the board to promote dental health education and the standards of dental practice.

R.S.1954, c. 73, § 5.

§ 1005. Reciprocity with other states; fees

The board is authorized, at its discretion, without the examination as provided, to issue its certificate to any applicant therefor who shall furnish proof, satisfactory to the board that he has been duly licensed to practice dentistry in another state after full compliance with the requirements of its dental laws. If licensed to practice dentistry in said other state after the first day of January, 1913, his professional education shall not be less than is required in this State, and such applicant shall have been at least

5 years in actual practice in the state in which said license was granted. No license shall be issued under this section unless the state, territory or district from which the applicant comes shall accord equal rights to dentists of Maine holding a license from the Maine Board of Dental Examiners. The board may, at its discretion, recognize a certificate granted by the National Board of Dental Examiners in lieu of, or subject to, such examination as may be required. Every certificate so given shall state upon its face the grounds upon which it is granted and the applicant may be required to furnish his proof upon affidavit. The fee for such certificate shall be \$25.

R.S.1954, c. 73, § 6.

§ 1006. Fees for duplicate certificates

An applicant for a duplicate certificate granted upon proof of loss of the original shall pay a fee of \$5.

R.S.1954, c. 73, § 7.

§ 1007. Lawful practitioners

Only those persons who were in the lawful practice of dentistry on the 13th day of March, 1913, and those who have received certificates, as provided for by law since such date, shall be deemed lawful practitioners of dentistry in this State.

R.S.1954, c. 73, § 8.

§ 1008. Drugs or medicines prescribed

A dentist or dental surgeon shall have the same rights to prescribe drugs or medicines, perform such surgical operations, administer general and local anaesthetics and use such appliances as may be necessary to the proper treatment of the special class of diseases mentioned in this chapter, as is enjoyed by registered physicians in this State.

R.S.1954, c. 73, § 9.

§ 1009. Revocation of certificates; misrepresentation

The Administrative Hearing Commissioner, as designated in Title 5, chapters 301 to 307, may revoke a certificate obtained by fraud or misrepresentation, or if the person named therein uses intoxicants or drugs to such an extent as to render him unfit to practice dentistry, or is guilty of immoral or unprofessional conduct, or convicted of a felony, or is afflicted with one or more of

32 § 1009 **PROFESSIONS AND OCCUPATIONS** Title 32

the specific infections, or is convicted in a court of competent jurisdiction of violating any of the provisions of this chapter.

No registered dentist, dental hygienist, dental technician or dental laboratory shall include in any newspaper, radio, display sign or other advertisement any statement of a character tending to deceive or mislead the public, or any statement claiming professional superiority or the performance of professional services in a superior manner, or the performance of painless operations of a dental or oral surgical nature, or advertising fixed prices for professional services or materials or the use of any drug, nostrum, patent or proprietary medicine of any unknown formula, or advertising to use any system of anesthetics without truly and accurately naming the same, or to use any such system unless such system is in fact used, or shall advertise with signs or printed advertisements which contain the representation of a tooth, teeth, dental restoration of any kind or of whatsoever design or description or any portion of the human head or neck or photograph of any person. The Administrative Hearing Commissioner may suspend or revoke a dental license now in force or that shall be hereafter given for dishonorable conduct on the part of any licensee under this chapter, whether such conduct is similar or dissimilar to any acts herein expressly named, but which is detrimental to the public health, safety or welfare. The board may by rules define dishonorable conduct. Any person who violates any of the provisions of this paragraph shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$200.

R.S.1954, c. 73, § 10; 1961, c. 394, §§ 32, 33; 1963, c. 412, § 23.

§ 1010. Hearings

No action to revoke a certificate shall be taken until the accused shall be furnished with a statement in writing of the charges against him and notice of the time and place of a hearing thereon. The accused may be present at the hearing in person and may be represented by counsel. If upon such hearing the Administrative Hearing Commissioner finds the charges are true, he may revoke the certificate of the accused. Such revocation shall deprive the person named in the certificate of all rights and privileges required thereby, and said board shall not re-empower anyone whose certificate has been revoked for any of the above causes to practice dentistry within one year after such revocation, and then only upon sufficient assurances and guarantees to said board of

Ch. 15 DENTISTS—DENTAL HYGIENISTS **32 § 1012**

correct future conduct. A 2nd revocation of any certificate shall be perpetual.

R.S.1954, c. 73, § 11; 1961, c. 394, § 34; 1963, c. 412, § 23.

§ 1011. Conviction certified

The clerk of a court in which a registered dentist or dental hygienist is convicted under section 1009 shall forthwith certify such conviction to the board and the Administrative Hearing Commissioner may, after a hearing, revoke or suspend the certificate of the convicted registrant. The Administrative Hearing Commissioner may revoke or suspend the certificate of a dentist or dental hygienist for conviction in any court of the State of a crime involving moral turpitude.

R.S.1954, c. 73, § 13; 1961, c. 394, § 36; 1963, c. 412, § 23.

§ 1012. Unlawful practice

Whoever practices dentistry without obtaining the certificate and subsequently the registration card required by law, or whoever practices dentistry under a false or assumed name, or under the license or registration of another person of the same name, or under the name of a corporation, company, association, parlor or trade name, or whoever, being manager, proprietor, operator or conductor of a place for performing dental operations, employs a person who is not a lawful practitioner of dentistry of this State to do dental operations as defined in section 1001, or permits such persons to practice dentistry under a false name, or assumes a title or appends or prefixes to his name the letters which falsely represent him as having a degree from a dental college, or who impersonates another at an examination held by the board or who knowingly makes a false application or false representation in connection with such examination shall be punished by a fine of not less than \$100 nor more than \$300, or by imprisonment for not more than 30 days, or by both. Each act constituting a violation of any of the provisions of this chapter shall be held to be a separate offense, and on each day on which any such violations shall continue a separate offense within the meaning of this law shall be held to be committed. A subsequent conviction shall be punished by the maximum penalties prescribed in this section, and the offender be required to furnish a recognizance conditioned to refrain from further unlawful practice.

R.S.1954, c. 73, § 16.

32 § 1013 **PROFESSIONS AND OCCUPATIONS** **Title 32**

§ 1013. Fraudulent sale or alteration of diplomas

Whoever sells or offers to sell a diploma conferring a dental degree or a certificate granted pursuant to the laws of this State, or who procures such certificate or diploma with intent that it shall be used as evidence of the right to practice dentistry by a person other than the one upon whom the diploma or certificate was conferred, or who with fraudulent intent alters such diploma or certificate, or uses or attempts to use the same when altered, or whoever attempts to bribe a member of the board by the offer or use of money or other pecuniary reward or by other undue influence shall be punished by a fine of not less than \$100 nor more than \$200, or by imprisonment for not less than 30 days nor more than 60 days, or by both. A subsequent conviction shall be punished by the maximum penalties prescribed in this section.

R.S.1954, c. 73, § 18.

§ 1014. Penalties

Whoever violates any provision of this chapter, for the violation of which no penalty has been prescribed, shall be punished by a fine of not less than \$50 nor more than \$300, or by imprisonment for not less than 10 days nor more than 30 days. A subsequent conviction shall be punished by the maximum penalties prescribed in this section. The several prosecuting officers of this State, on notice from any member of the board, shall institute prosecutions for offenses under this chapter.

1. Cards; advertising; signs. Dentists shall be permitted to insert a professional card in the local press, in programs and yearbooks. Institutional advertising by dental associations and groups is encouraged and approved. A dentist shall be permitted to use signs to advertise his name, the fact that he is engaged in the practice of dentistry, the location of his office and his office hours. These signs shall be limited to a total area of not more than 600 square inches and shall not contain letters more than 7 inches in height. Such signs may be placed only within the professional office or offices or upon the doors or windows thereof, or on the door or within or upon the building or premises in or on which such office or offices are located. Violation of any of these provisions of this section shall subject the dentist to the same liabilities and penalties as are provided in the preceding paragraph.

2. Services of unlicensed persons. Any dentist who shall use the services of any person, which word when used in this

Ch. 15 **DENTISTS—DENTAL HYGIENISTS 32 § 1051**

section shall include all legal entities, not licensed to practice dentistry in this State, to construct, alter, repair or duplicate any denture, plate, partial plate, bridge, splint, orthodontic or prosthetic appliance, shall first furnish such unlicensed person with a written prescription, on forms prescribed by the board, which shall contain:

- A.** The name and address of such unlicensed person;
- B.** The patient's name or number. In the event such number is used, the name of the patient shall be written upon the duplicate copy of such prescription retained by the dentist;
- C.** The date on which it was written;
- D.** A prescription of the work to be done, with diagrams if necessary;
- E.** A specification of the type and quality of materials to be used;
- F.** The signature of the dentist and the number of his Maine license.

Such unlicensed person shall retain the original prescription and the dentist shall retain a duplicate copy thereof for inspection by the board or its agent for 2 years.

R.S.1954, c. 73, § 19.

SUBCHAPTER IV

DENTAL HYGIENISTS

Sec.

- 1051. Examination; qualifications; fees.
- 1052. Reciprocity with other states; fees.
- 1053. Permits for internship; revocation; suspension; special permits.
- 1054. Authorized acts; penalty for exceeding.
- 1055. Use of former employer's lists; revocation or suspension of license.

§ 1051. Examination; qualifications; fees

No person shall enter practice as a dental hygienist in this State until she has passed an examination given her by the board or a subcommittee of said board which it may appoint, under such rules and regulations as it may deem fit and proper to formulate. The fee for said examination shall be \$25 and any applicant failing

32 § 1051 PROFESSIONS AND OCCUPATIONS Title 32

to pass said examination shall be entitled to one additional examination without further cost. The fee of each reexamination after the first shall be \$5. The said board shall issue certificates of ability to practice as dental hygienists in this State to those who have passed said examination, which certificate shall be displayed in a conspicuous place in the room or rooms in which she practices. No person shall be entitled to such certificate unless she shall be 18 years of age, of good moral character and shall have completed a 4 years' course in a standard high school or its equivalent, and unless she is a graduate of a reputable training school for dental hygienists. Said certificate shall be considered a license to practice as a dental hygienist in this State, except that it shall be unlawful for any person to practice as a dental hygienist in this State in any year after the year in which said certificate is issued to her unless she shall pay to the treasurer of the board on or before January 1st of said year a fee of \$2, for which she shall receive a registration card, which card shall be placed beside or attached to the certificate.

Nothing in this section shall prohibit a student of dental hygiene enrolled in a school for dental hygienists from practicing dental hygiene in the school or in any clinic affiliated with such school when such practice is under the direct supervision of a qualified instructor.

R.S.1954, c. 73, § 26; 1961, c. 240.

§ 1052. Reciprocity with other states; fees

The board may, at its discretion, without examination, issue its certificate to any applicant therefor who shall furnish proof satisfactory to said board that she has been duly licensed to practice as a dental hygienist in another state after full compliance with the requirements of its dental laws, provided her professional education shall not be less than that required in this State. Every certificate so given shall state upon its face the grounds upon which it is granted and the applicant may be required to furnish her proof upon affidavit. The fee for such certificate shall be \$25.

R.S.1954, c. 73, § 27.

§ 1053. Permits for internship; revocation; suspension; special permits

The board shall have authority, upon presentation of satisfactory credentials and under such rules and regulations as the board may prescribe, to issue a permit to a graduate of an ap-

proved dental school or college who has not been licensed or registered to practice dentistry in this State, and who has not failed to pass an examination for license in this State, to serve as a dental intern for a period of not more than one year in state maintained and operated hospitals, or health and welfare services of the State that may offer such a post, provided such hospitals maintain a recognized staff of one or more licensed dentists. Such intern shall function under the supervision and direction of the dental staff of such hospitals, his work to be limited to the patients confined to the hospital in which he serves, and he shall be without fee or compensation other than that received in salary or other remuneration from such hospitals. The board shall have the power to revoke the permit of any such intern at any time within the year for which it is issued upon the recommendation of such procedure by the executive officer of the resident dental staff of the hospital in which he serves or for any other reason which the board may deem justifiable. Such limited permits granted for the purpose of internships shall automatically expire at the end of one year and shall not be subject to renewal.

Special permits shall be issued by the board to dentists of good standing and morality practicing outside the State when the request for such dentists comes from some charitable or social organization within the State, and when the intention of such charitable or social organization is to provide free dental care for the public when no resident dental service is available. Such permit shall be issued for one year and shall not be subject to renewal.

R.S.1954, c. 73, § 24.

§ 1054. Authorized acts; penalty for exceeding

Any registered or licensed dentist may employ women assistants who shall be known as dental hygienists. Such dental hygienists may operate x-ray machines for the purpose of dental diagnosis, and make oral examinations by mouth mirror and explorer for the detection of cavities, and remove lime deposits, accretions and stains from the exposed surfaces of the teeth and directly beneath the free margin of the gum and make local applications of medicaments to the surfaces of the teeth and gums, but shall not perform any other operation on the teeth or mouth or on any diseased tissues of the mouth. They may operate in the office of any registered or licensed dentist or in any public or private institution or for the Department of Health and Welfare, Division of Dental Health, under the general supervision of

32 § 1054 PROFESSIONS AND OCCUPATIONS Title 32

a registered or licensed dentist. The Administrative Hearing Commissioner may revoke the license of any registered or licensed dentist who shall permit any dental hygienists operating under his supervision to perform any operation other than that permitted under this section.

R.S.1954, c. 73, § 25; 1961, c. 417, § 163; 1963, c. 412, § 23.

§ 1055. Use of former employers' lists; revocation or suspension of license

The Administrative Hearing Commissioner under Title 5, chapters 301 to 307 shall revoke or suspend the license of any registered and licensed dental hygienist who is found guilty of using or attempting to use in any manner whatsoever any prophylactic lists, call lists, records, reprints or copies of same, or information gathered therefrom, of the names of patients whom he might have served in the office of a prior employer, unless such names appear upon the bona fide call or prophylactic list of his present employer and were caused to so appear through the legitimate practice of dentistry as provided for in this chapter. The Administrative Hearing Commissioner shall suspend or revoke the license of any licensed dentist who is found guilty of aiding or abetting or encouraging a dental hygienist employed by him to make use of a so-called prophylactic call list, or the calling by telephone or by use of written letters transmitted through the mails to solicit patronage from patients formerly served in the office of any dentist formerly employing such hygienist. No order of suspension or revocation provided in this section shall be made or entered except after hearing by the Administrative Hearing Commissioner as provided in Title 5, chapters 301 to 307.

R.S.1954, c. 73, § 23; 1961, c. 417, § 162; 1963, c. 412, § 23.