

CHAPTER 16.

[S. S. B. 32.]

REGULATING PRACTICE OF DENTISTRY.

AN ACT defining and regulating the practice of dentistry and dental hygiene, providing for the examination and licensing of dentists and dental hygienists, providing for an annual renewal of licenses and the payment of annual license renewal fees, providing for the revocation and suspension of licenses, defining reputable dental colleges, prescribing penalties and repealing Sections 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037, 10038 and 10039 of Remington's Compiled Statutes and declaring that this act is necessary for the immediate preservation of the public peace, health, and safety and shall take effect immediately.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Any person shall be regarded as practicing dentistry within the meaning of this act who, for a fee, salary or other reward, paid or to be paid to himself or any other person, shall perform dental operations of any kind upon any human being, or who shall diagnose or profess to diagnose, or examine and contract for the treatment of, or who shall treat or profess to treat, or advertise as treating, any disease or disorder or lesion of the oral cavity, teeth, gums, maxillary bones, or extract teeth, or repair or fill cavities, or who shall correct malpositions of the teeth or jaws, or supply artificial teeth as substitutes for natural teeth, or administer an anæsthetic, general or local, except as a dental hygienist as hereinafter provided, or who shall use the words "Dentist," "Dental Surgeon," the letters "D. D. S." or other letters or titles in connection with his name or in any other manner which in any way represents him as being engaged in the practice of dentistry: *Provided, however,* that nothing in this section shall prohibit a doctor of medicine, registered and licensed as such, and

Practice
defined.

authorized to practice under the laws of Washington, from performing such acts of dentistry as are expressly provided by this act, nor prevent a registered nurse or trained office assistant from administering an anaesthetic under the direct supervision of a licensed dentist *And Provided further*, That nothing in this act shall prohibit any person from performing mechanical work on inert matter.

SEC. 2. Any person who shall practice, or attempt to practice, or hold himself out as practicing dentistry, within this state without having, at the time of so doing, a valid unrevoked license and after the first year a valid and unexpired license renewal certificate as provided in this act shall be guilty of a misdemeanor. Each act of practicing or attempt to practice dentistry in violation of the provisions of this act shall be deemed a separate offense within the meaning of this act.

Practice without license penalty.

Any person licensed to practice dentistry or who shall own, operate or manage any dental office who shall employ or permit any person not regularly licensed to practice dentistry to practice the same in his office or under his control shall be guilty of a misdemeanor.

Employment of unlicensed dentist, penalty.

SEC. 3. In order to procure a license to practice dentistry in the State of Washington, the applicant for such license shall file his application in the manner provided by law, on forms furnished by the Director of Licenses, and shall state therein his name, age, place of residence, nationality, the name of the school or schools attended by such applicant, the period of such attendance and the date of his graduation, if said applicant is a graduate from such school or schools. Said application shall be signed by the applicant and sworn to by him before some person authorized to administer oaths, and shall be accompanied by testimonials of the

Application for license.

Fee.

applicant's moral character and proof of his school attendance and graduation. Each applicant shall pay a fee of twenty-five dollars (\$25.00), which shall accompany his application.

Qualifications of applicant.

SEC. 4. Each applicant must be at least twenty-one years of age, of good moral character, and must be a graduate of a reputable dental college as defined by this act. Any person of good moral character who does not possess said educational qualifications who shall have practiced dentistry without a license in the State of Washington for not less than seven years prior to the date when this act shall take effect may apply for dental license under section three of this act and thereupon said applicant shall be entitled to all the rights and privileges accorded to those possessing said educational qualifications. Said application must be made within six months after this act shall take effect.

Dental college or institution defined.

SEC. 5. No dental college or dental institution shall be considered reputable unless the same shall possess the following qualifications and maintain a course of study, lectures, apparatus and instruction as herein provided:

First: It shall be chartered under the laws of the state in which it is located and operated, and shall be authorized by its charter to confer the degree of "Doctor of Dental Surgery" or "Doctor of Medical Dentistry."

Second: It shall deliver annually a full course of dental lectures or dental instruction by a competent faculty or corps of instructors on the following subject: Anatomy, chemistry, physiology, histology, materia medica, therapeutics, dental metallurgy, pathology, bacteriology, operative dentistry, prosthetic dentistry, crown and bridge work, orthodontia, oral surgery, oral hygiene, the administration of anaesthetics and other kindred subjects.

Said courses of instruction shall consist of not less than four terms in four separate academic years and of not less than thirty-two (32) weeks of at least five and one-half (5½) days for each term, this not to affect students in attendance at dental schools prior to the passage of this act.

Third: It shall possess apparatus and equipment adequate and sufficient for the ready and full teaching of the above named subjects.

SEC. 6. Each applicant shall present himself personally for examination at the first or second examination after his application shall have been filed. If default is made on the part of said applicant to so present himself for examination, the fee of such applicant shall be forfeited.

Applicant to appear for examination.

SEC. 7. Examination shall be conducted in the English language and shall be divided as follows:

Subject matter of examination.

1. An examination in writing by the examining committee in the following dental subjects as taught in reputable dental colleges, to wit: Anatomy, chemistry, physiology, histology, materia medica, therapeutics, metallurgy, pathology, bacteriology, operative dentistry, prosthetic dentistry, crown and bridge work, orthodontia, oral surgery and hygiene. Examinations in each subject shall consist of ten questions, answers to which shall be marked upon a scale of zero to ten.

2. A practical or clinical examination in operative dentistry.

3. A practical or clinical examination in prosthetic dentistry.

All applicants for dental license, except as hereinafter provided, shall be examined in all three of the divisions enumerated above.

Applicants who do not possess a high school or dental college education but who shall have practiced dentistry in the State of Washington for not

less than seven years prior to the date when this act shall take effect, shall not be required to take the oral or written examination provided for in this section but shall undergo a practical or clinical examination in operative and prosthetic dentistry: *Provided, however,* That time spent by such applicant in the Medical Department Dental Corps of the army, navy or marine corps of the United States during the World War, shall for the purpose of this act, be considered time spent in the actual practice of dentistry in this state.

SEC. 8. If an applicant shall pass a satisfactory examination making a grade of not less than 60 per cent in any division of said examination and not less than 70 per cent in at least two of said divisions and shall possess the other qualifications required by law, he shall be entitled to receive, and the Director of Licenses shall issue to him a license which shall authorize him to practice dentistry as provided by this act. The examination papers shall be kept on file by the Director of Licenses for a period of one year after each examination, and such examination papers and examination grades of applicants shall be kept permanently on file and shall be open to the inspection of the applicant or his authorized agent.

SEC. 9. Any applicant who shall fail to make the required grade in his first examination shall be entitled to a second examination before the expiration of one year at a time to be appointed by the Director of Licenses, and no fee shall be required for said second examination.

SEC. 10. The Director of Licenses shall refuse to grant a license to any applicant who shall have made any false statement in his application, or in the course of his examination, with intent to mislead said Director of Licenses, or an examining commit-

License
issued.

Second
examination.

False state-
ment in
application

tee, or any member thereof, or who shall cheat, or attempt to cheat, or deceive an examining committee, or any member thereof, in the course of his examination, or who shall receive or attempt to receive, any assistance from another applicant, or any other person, or give, or attempt to give, any assistance to any other applicant during the course of an examination.

Cheat, deceit or assistance in examination.

SEC. 11. Any person who shall assist any applicant to cheat or deceive the Director of Licenses, or an examining committee, or any member thereof, or who shall give, or attempt to give, assistance to any applicant in the course of his examination, or assist any applicant to fraudulently obtain any license to which said applicant is not entitled, shall upon conviction thereof be adjudged guilty of a misdemeanor.

Person assisting applicant, penalty.

SEC. 12. On or before October 1, 1923, all persons licensed to practice dentistry in this State shall make application to the State Treasurer for registration, on forms furnished by the Director of Licenses, which said application, together with a fee of two dollars, to be paid by the applicant, shall be disposed of in the manner provided by law in the case of applications for examination for licenses. It shall be the duty of the Secretary of the Department of Licenses, upon the receipt of such application, accompanied by the treasurer's duplicate receipt for the fee, to issue to said applicant a license renewal certificate, which shall authorize him to practice dentistry in the State of Washington until the first day of October, 1924, and said applicant shall pay such other and further annual license renewal fees as are provided in the case of persons licensed under this act.

Registration of present practitioners.

License renewal certificate, fee.

SEC. 13. Any dentist who has been lawfully licensed to practice in another state having and

Application for license by practitioners of other states.

maintaining a standard of proficiency equal with that maintained in this state under the provisions of this act, and who has been lawfully and continuously engaged in the practice of dentistry for five years or more next before the filing of his application in this state, may file his application for license in this state in the manner provided by law in the case of applications for examination for licenses. He shall accompany his application with a duly attested certificate from the dental board of the state in which he is licensed, certifying to the fact of such license, and that he is a person of good moral character and professional attainments. Every such applicant shall pay a fee of fifty dollars (\$50.00) which shall accompany his application. Upon a satisfactory practical examination, demonstrating his proficiency, such applicant shall be granted a license to practice dentistry in this state without theoretical examination: *Provided, however,* that no one shall be licensed as provided in this section unless the state issuing the license to said applicant shall have extended a like privilege to engage in the practice of dentistry within its own borders to dentists heretofore and hereafter licensed by this state and removing to such other state.

Fee.

Temporary
permit.

SEC. 14. The Director of Licenses may, in his discretion, issue a temporary permit to any applicant who is a graduate of a reputable dental college, who has not previously been licensed to practice dentistry in another state and who fails to pass the required examination in this state. Said permit shall authorize the person to whom it is issued to practice dentistry under the direct supervision of a licensed dentist until the next examination and no longer. Not more than one person holding such permit shall at the same time be employed, or work or assist in any one dental office or establishment. Two such temporary permits shall not be issued to

the same person. All temporary permits shall have written therein the date of their expiration and after the date of such expiration, such temporary permits shall be null and void.

SEC. 15. Every person holding a license authorizing him to practice dentistry in this state shall have it recorded in the office of the county auditor of the county in which the holder of said license is practicing his profession, in a book to be kept by said county auditor for that purpose. The fact of such recording shall be endorsed on the license by the county auditor recording the same, and the license shall then be returned to the licensee. Said auditor shall receive for such filing and recording a fee of one dollar. Every such person on each change of his residence must have the license recorded in the office of the county auditor of the county to which he shall have changed his residence. The absence of such record shall be *prima facie* evidence of the want of possession of such license. Any person holding a license to practice dentistry in this state who shall attempt to practice dentistry in this state without first having recorded his license with the county auditor as herein provided shall be guilty of a misdemeanor.

License recorded.

Fee.

Practice without recording license, penalty.

SEC. 16. Should any person fail, neglect or refuse to record his license, issued under the provisions of this act, with the county auditor of some county in this state for the space of six months after the same is issued, such failure shall work a forfeiture of such license, and if the same be presented to the county auditor of any county at any time after six months from the date of any such license unless the same shall be endorsed as having been recorded in some county in this state within six months after date of its issuance, the same shall not be filed, recorded or certified: *Provided*, That after

Failure to record license.

such license has been recorded as herein provided, and such person desires to practice dentistry in any other county of this state, then such person shall thereafter file his license and have it recorded by the county auditor in such other county before he shall practice or offer to practice dentistry in such other county. If a license is once forfeited for failure to comply with this section, then the person therein named may obtain a new license only upon his making application therefor and paying a fee of ten dollars (\$10.00).

Forfeiture,
new license,
fee.

License
renewal
fee.

SEC. 17. Every person who shall be granted a license under this act to practice dentistry in this state shall pay a license renewal fee of two dollars for the year commencing with the first day of October next following the issuance of such license, and annually thereafter; such payment to be effective shall be made prior to the commencement of the year for which the same accrues, and the license renewal certificate, which shall be issued by the Director of Licenses, shall be indispensable evidence that the same has been made. The failure, neglect or refusal of any licensed dentist to pay in advance said annual license renewal fee of two dollars shall *ipso facto* work a forfeiture of his license, and it shall not be reinstated except upon written application and the payment of a penalty of ten dollars (\$10.00), together with all annual license renewal fees delinquent at the time of such forfeiture, and the license renewal fee for each year thereafter up to the time of reinstatement.

Forfeiture
of license.

Name of
practitioner
on office door.

SEC. 18. Every person engaged in the practice of dentistry, or who shall attempt to practice, or hold himself out as practicing dentistry, shall place his name in a conspicuous place upon the outer door of the office wherein the licensee practices, or offers to practice dentistry, which name shall be in plain

English letters not less than one and one-half (1½) inches high, giving the name or initials and name of the licensee as it is written in said license. Any person practicing or attempting to practice dentistry, or holding himself out to the public as a practicing dentist, without complying with the provisions of this section, shall be upon conviction adjudged guilty of a misdemeanor.

Failure to
comply,
penalty.

SEC. 19. After receiving a license to practice dentistry as herein provided, it shall be the duty of the licensee to display said license in a conspicuous place in the office in which said licensee practices, or offers to practice dentistry, and each new annual license renewal certificate shall be kept and displayed with said license, and it shall be the duty of each licensee to produce said license and renewal certificate upon the demand of the Director of Licenses, or any person authorized to represent him, or any officer authorized to enforce the laws of the State of Washington. Any person who shall practice or attempt to practice or hold himself out as practicing dentistry without complying with the provisions of this section shall be guilty of a misdemeanor.

Display of
license.

Failure to
comply,
penalty.

SEC. 20. It shall be unlawful for any person or persons in this state to use the name of any company, association, corporation, trade name, or business name, in the operation of any office where dental work is done or contracted for or advertised to be done, under the name of any company, association, corporation, trade name, or business name unless said person shall display upon the entrance or nearby in a conspicuous place, the names of every dentist who shall be engaged in the practice of dentistry within the office operated under said company, association, corporation, trade or business name. Said name shall be in plain English letters not less

Practicing
under trade,
association,
or corporate
name.

Certificate of
name of
owner.

than one and one-half (1½) inches in height. Such person or persons shall file a certificate in the office of the Director of Licenses, which certificate shall set forth the designation or name under which said business is to be conducted, and the true and real name or names of the person or persons conducting or intending to conduct the same, together with the names and addresses of all persons having an interest therein. Such certificate shall be executed and acknowledged before an officer authorized to take acknowledgment of deeds.

See Rem.
Comp. Stat.
§ 10861;
Pierce's Code
§4-103.

Revocation
of license.

SEC. 21. Any license to practice dentistry heretofore or hereafter issued may be revoked in the manner provided by Section 103, Chapter 7, Laws of Washington, 1921, for any one or more of the following causes:

1. Obtaining license by any person if such license shall have been obtained illegally or fraudulently.

Causes.

2. Conviction of any offense involving moral turpitude.

3. Chronic or persistent inebriety, or extended or habitual drunkenness, or confirmed drug habit.

A license which has been revoked for any of the above causes shall not be restored to the licensee.

License
suspended.

Any license to practice dentistry heretofore or hereafter issued may be suspended in the manner provided for the revocation of licenses for a period of not to exceed one year for any one or more of the following causes:

Causes.

1. Publication or circulation of any false, fraudulent or misleading statements as to the skill or methods of any licensee or operator.

2. Publication or circulation by letters, circulars, newspapers or advertising in any manner of false, fraudulent or misleading statement with a view to

deceiving the public, or in any way that will tend to deceive or defraud the public.

3. If such licensed dentist shall permit any person employed by him as a dental mechanic or office assistant, and who is not regularly licensed to practice dentistry, to practice the same in the office or under the control or direction of such licensed dentist.

Any license which has been suspended for any of the above named causes may be restored after the expiration of the period of suspension upon the payment of a fee of ten dollars (\$10.00).

Suspended
license re-
stored, fee.

SEC. 22. In all proceedings having for their purpose the revocation or suspension of a license to practice dentistry, the holder of such license shall be given twenty days notice in writing, which said notice shall specify the offense or offenses against this act with which said accused person is charged, and said notice shall also give the day and place where the hearing is to be held, which place of hearing shall be in the city of Olympia unless a different place shall be fixed by the Director of Licenses. The Director of Licenses shall have power to issue subpoenas to compel the attendance of witnesses, or the production of books or documents. The accused person shall have opportunity to make his defense, and may have issued such subpoenas as he may desire, and as the Director of Licenses deems necessary. Subpoenas shall be served in the same manner as in civil cases in the Superior Court. Witnesses shall testify under oath, administered by the Director of Licenses. Testimony shall be taken in writing, and may be taken by deposition under such rules as the Director of Licenses may prescribe. The committee appointed as provided by law to hear and determine the charges shall make findings upon the evidence produced, and shall file with the Director of Licenses its findings and recommendations

Revocation or
suspension
proceedings.

Hearing.

Witnesses.

Testimony.

Findings.

together with a transcript of the evidence, a duplicate to be given the accused.

Practice by physician and surgeon.

SEC. 23. Nothing in this act shall prevent a legally qualified and licensed physician and surgeon from extracting teeth or performing oral surgery or a legal practitioner of another state from making a clinical demonstration before a dental society or at a convention, nor shall this act prevent students from practicing or performing dental operations under the supervision of competent instructors in any reputable dental college.

Clinical demonstration.

Students.

Pharmacists.

SEC. 24. Registered pharmacists of this state may fill prescriptions of legally licensed dentists of this state for any drug necessary in the practice of dentistry, other than narcotics.

Sanitation of office and equipment.

SEC. 25. It shall be the duty of every person engaged in the practice of dentistry or who shall own, operate or manage any dental office to keep said office and dental equipment in a thoroughly clean and sanitary condition.

Dental hygienists' practice.

SEC. 26. No person shall practice as a dental hygienist in this state without having a license as such and after the first year an unexpired license renewal certificate.

Work performed by dental hygienists.

SEC. 27. Any person licensed as a dental hygienist in this state may remove calcareous deposits, accretions and stains from the exposed surfaces of the teeth and may prescribe or apply ordinary mouth washes of soothing character but shall not perform any other operation on the teeth or mouth or upon diseased tissues of the oral cavity.

Employed in schools.

Such licensed dental hygienists may be employed by boards of education of public or private schools, county boards, boards of health, or public or charitable institutions, but may operate only under the direct supervision of one or more licensed dentists, and may also be employed in any dental office under

the direct supervision of a licensed dentist provided that the number of hygienists so employed in any dental office shall not exceed in number the licensed dentists practicing therein.

SEC. 28. Any citizen of this state of good moral character who shall have attained the age of nineteen (19) years may file his application for license as a dental hygienist in the manner provided by law on forms furnished by the Director of Licenses and shall submit with said application proof of said applicants graduation from a training school for dental hygienists. Said application shall be signed and sworn to by said applicant. Each applicant shall pay a fee of ten dollars (\$10.00) which shall accompany his application.

Qualification
of applicant
for dental
hygiene license.

Application,
fee.

SEC. 29. Examination of applicant shall consist of written and practical tests and shall include the subjects of inorganic chemistry, physiology, anatomy, bacteriology, anæsthesia, radiography, materia medica, dental histology, principles of nursing and hygiene, practical demonstration in hygiene, other kindred subjects contained in the curriculum of training schools for dental hygienists. Said written examinations shall consist of ten questions only, graded from zero to ten on each subject and the applicant must obtain an average grade of sixty-five per cent (65%) to pass. Said practical examination shall consist of a clinical demonstration upon one or more patients of the removal of deposits from and the polishing of the exposed surfaces of the teeth, and the applicant must obtain an average grade of seventy-five per cent (75%) to pass. The Director of Licenses shall keep on file the examination papers and records of examinations for at least one year, which file shall be open to the inspection of the applicant or his agent.

Subjects of
examination.

Passing
grade papers.

SEC. 30. Any citizen of this state who has been engaged in the practice of dental hygiene in this

License for
present
dental
hygienists.

state under the direction of a licensed dentist for a period of not less than two years prior to the date when this act shall take effect, shall be entitled to a license as a dental hygienist under this act, upon filing his application within thirty (30) days after this act shall take effect, paying a filing fee of ten dollars (\$10.00), furnishing proof of practice and citizenship by the affidavits of two licensed dentists and passing the practical tests provided for in section twenty-nine of this act.

Fee.

License issued.

Display.

SEC. 31. Upon passing an examination as provided in section twenty-nine of this act the Director of Licenses shall issue to the successful applicant a license as dental hygienist, which said license shall be recorded in the office of the auditor of the county in which the licensee shall engage in practice and shall be displayed in a conspicuous place in the operation room where such licensee shall practice.

License renewal, fee.

SEC. 32. Every person licensed as a dental hygienist shall pay on or before the first day of October of each year after a license is issued to him a license renewal fee of one dollar (\$1.00) and the license renewal certificate which shall be thereupon issued by the Director of Licenses, shall be displayed with the license of said licensee.

Applicants licensed in other states.

Fee.

SEC. 33. Applicants license as dental hygienists under the laws of other states whose requirements are equal to those of this state and who have been engaged in the lawful practice of dental hygiene for a period of not less than three years in such state may, upon the payment of a fee of ten dollars (\$10.00), be granted licenses as dental hygienists in this state without examination: *Provided, however,* That the privileges of this section shall be extended only to those states which extend to this state the same privilege.

Practicing dental hygiene without license, penalty.

SEC. 34. Any person other than a licensed dentist who shall practice or attempt to practice or hold

himself out as practicing dental hygiene within this state without having at the time of so doing a valid unrevoked license and after the first year a valid and unexpired license renewal certificate as provided in this act, shall be guilty of a misdemeanor.

Any licensed dental hygienist who shall violate any of the provisions of this act shall be guilty of a misdemeanor and may be punished either by fine or by a suspension of his license for a period of one year or by both such fine and suspension.

Dental hygienist violating act.

SEC. 35. Any licensed dentist who shall permit any dental hygienist operating under his supervision to perform any operation other than that permitted to dental hygienists under the provisions of this act, shall be guilty of a misdemeanor.

Licensed dentist permitting unlawful acts by dental hygienists, penalty.

SEC. 36. Any person who shall violate any provision of this act shall be guilty of a misdemeanor. It shall be the duty of the prosecuting attorney of each county to prosecute all cases involving a violation of this act arising within his county. The attorney general may assist in such prosecutions and shall appear at all hearings when requested to do so by the Director of Licenses.

Penalty.

Prosecuting attorney.

Attorney General.

SEC. 37. Words used in this act importing the singular number may also be applied to the plural of persons and things. Words importing the plural may be applied to the singular, and words importing the masculine gender may be extended to females also.

Words defined.

SEC. 38. Should any section of this act, or any portion of any section be for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Unconstitutionality of sections.

SEC. 39. Sections 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037, 10038 and 10039 of Remington's Compiled Statutes and all other acts and parts of acts in conflict with this act are hereby repealed.

Repeals Rem. Comp. Stat. § 10030 to § 10039: Pierce's Code § 1935 to § 1944.

Emergency.

SEC. 40. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed the Senate February 8, 1923.

Passed the House February 15, 1923.

Approved by the Governor February 20, 1923.

CHAPTER 17.

[S. B. 99.]

SOLDIERS, SAILORS AND MARINES.

AN ACT relating to the duties of County Auditors and amending Chapter 86 of the Session Laws of 1919.

Be it enacted by the Legislature of the State of Washington:

Certificate of discharge recorded.

SECTION 1. It shall be the duty of county auditors to record without charge, in a book kept for that purpose, the certificate of discharge of any honorably discharged soldier, sailor or marine who served with the United States Forces in the war with Germany and her allies and veterans of the Spanish American War.

Passed the Senate February 2, 1923.

Passed the House February 14, 1923.

Approved by the Governor February 21, 1923.