

CHAPTER 112.

[S. H. B. 46.]

DENTISTRY.

AN ACT defining and regulating the practice of dentistry, providing for the examination and licensing of dentists, providing for an annual renewal of licenses and the payment of annual license renewal fees, providing for the revocation and suspension of licenses, creating the State Board of Dental Examiners and fixing its duties, defining reputable dental colleges, prescribing penalties and repealing subsections 1 to 25 inclusive, of section 10030 of Remington's Compiled Statutes, being sections 1 to 25 inclusive, of chapter 16 of the Session Laws of 1923, 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. (Words Defined). Words used in the singular in this act may also be applied to the plural of the persons and things; words importing the plural may be applied to the singular; words importing the masculine gender may be extended to females also; the term "board" used in this act shall mean the Washington state board of dental examiners and the term "director" shall mean the director of licenses of the State of Washington. Definitions.

SEC. 2. A board of examiners to consist of three practicing dentists to be known as the Washington state board of dental examiners is hereby created, whose duty it shall be to carry out the purposes and enforce the provisions of this act as hereinafter specified. The members of the board shall be appointed by the governor in the manner hereinafter set forth and at the time of their appointment upon said board must be actual residents of the state in active practice of dentistry or dental surgery as hereinafter defined and must have been for a period of five years or more legally licensed to practice Board of examiners, creation of.

Who eligible. dentistry or dental surgery in this state: *Provided, however,* That no person shall be eligible to appointment to said board who is in any way connected with or interested in any dental college or dental department of any institution of learning. The term for which the members of said board shall hold office shall be three years: *And provided further,* That the members who shall first be appointed to said board shall hold office for one, two and three years respectively and their term of office shall be designated by the governor in his appointment: *And provided further,* That the first appointments to said board shall be made by the governor as soon as practicable after the expiration of one hundred (100) days from the date this act becomes effective.

Term of office.

Vacancies on board.

In case of a vacancy occurring on said board, such vacancy shall be filled by the governor as herein provided.

Organization.

SEC. 3. Said board shall choose one of its members president and one secretary thereof, and it shall meet at least once in each year, and oftener if necessary, in the discretion of the director or board, and at such times and places as he or it may deem proper. A majority of the members of said board shall, at all times, constitute a quorum for the transaction of the business of the board, and the proceedings thereof shall, at all reasonable times, be open to public inspection.

License necessary to practice.

SEC. 4. No person, unless previously registered or licensed to practice dentistry in this state at the time this act shall become operative, shall begin the practice of dentistry or dental surgery, or any branches thereof, without first applying for and obtaining a license for such purpose from the director. 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

How obtained.

provided by law, on forms furnished by the director of licenses, and shall therein state his name, age, place of residence, 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 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. When such application and the accompanying proof are found satisfactory, the director shall notify the applicant to appear before the board of examination at a time and place to be fixed by the director. Examination shall be made in writing in all theoretic subjects; both theoretic and practical examinations shall be of a character to give a fair test of the qualifications of the applicant to practice dentistry or dental surgery. The examination papers, which shall be in the English language, and all grading thereon, and the grading of the practical work, shall be deemed public documents, and preserved for a period of not less than two years after the board shall have made and published its decisions thereon. All examinations provided for in this act shall be conducted by the board under fair and wholly impartial methods.

Fee.

Examination.

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, and no fee shall be required for said second examination.

Failure in examination.

SEC. 5. Said board shall make rules and regulations to establish a uniform and reasonable standard of educational requirements to be observed by dental

schools, colleges, or dental departments of universities, and said board may determine the reputability of these by reference to their compliance with said rules or regulations.

Require-
ments.

The board shall demand that every applicant for a license to practice dentistry shall:

(a) Be a graduate or have fifteen units of high school work in acceptable subjects from a high or other secondary school approved by the board.

(b) Present satisfactory evidence of completion of pre-dental and dental education under one of the following plans:

Collegiate
credit.

I. Completion of a minimum of thirty (30) semester hours of collegiate credit in acceptable subjects from a college or university approved by the board, and graduation from a dental college, school, or dental department of an institution requiring four courses of instruction of at least eight months each, approved by the board.

II. Completion of a minimum of sixty (60) semester hours of collegiate credit in acceptable subjects from a college or university approved by the board, and graduation from a dental school, college, or dental department of an institution requiring three courses of at least eight months each, approved by the board.

(c) Submit, for the files of the board, a recent picture duly identified and attested.

National
board of
examiners.

(d) Pass an examination given by the board of dental examiners in the theory and practice of the science of dentistry: *Provided*, That the board may recognize a certificate granted by the national board of dental examiners in lieu of, or subject to, such examination as may be required: *Provided, however*, That nothing in this act shall be construed to prevent any dental school which may desire to do so from establishing for admission a higher stand-

ard of preliminary education than specified in this act.

SEC. 6. A person practices dentistry, within the meaning of this act, who represents himself as being able to diagnose, treat, remove stains and concretions from teeth, operate, or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, alveolar process, gums, or jaw, or who offers or undertakes by any means or methods to diagnose, treat, remove stains or concretions from teeth, operate, or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the same, or take impressions of the teeth or jaw; or who owns, maintains or operates an office for the practice of dentistry; or who engages in any of the practices included in the curricula of recognized and approved dental schools or colleges. The fact that a person uses any dental degree, or designation, or any card, device, directory, poster, sign, or other media whereby he represents himself to be a dentist, shall be prima facie evidence that such person is engaged in the practice of dentistry. The following practices, acts, and operations, however, are exempt from the operation of this act:

Evidence of practice of dentistry.

Exemptions.

(a) The rendering of dental relief in emergency cases in the practice of his profession by a physician or surgeon, licensed as such and registered under the laws of this state, unless he undertakes to reproduce or reproduces lost parts of the human teeth in the mouth or to restore or replace in the human mouth lost or missing teeth.

Relief in emergencies.

(b) The practice of dentistry in the discharge of their official duties by dentists in the United States army, the United States navy, the United States public health service, the United States veterans bureau or bureau of Indian affairs.

United States army, etc.

Student
practice.

(c) Dental schools or colleges as now conducted and approved or as may be approved, by the board and the practice of dentistry by students in dental schools or colleges approved by the board, when acting under the direction and supervision of registered and licensed dentists acting as instructors.

Dentists of
other states.

(d) The practice of dentistry by licensed dentists of other states or countries while appearing as clinicians at meetings of the Washington State Dental Association or component parts thereof or at meetings sanctioned by said associations.

Use of rays.

(e) The use of roentgen and other rays for making radiograms or similar records of dental or oral tissues, under the supervision of a licensed dentist or physician.

Correction of
diseases, etc.

(f) The making of artificial restorations, substitutes, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts, either upon orders, prescriptions, casts, models, or from impressions furnished by a licensed and registered dentist.

Prescrip-
tions, etc.

(g) The removal of calcareous deposits, accretions and stains from the exposed surfaces of the teeth and prescription or application of ordinary mouth washes of soothing character when performed or prescribed by a dental hygienist licensed under the State of Washington.

Registration
of license.

SEC. 7. Any person licensed to practice dentistry in this state by the director as hereinbefore provided, shall, personally, and within ninety days from the date of issue, cause such license to be registered with the county auditor of such county or counties in which such person desires to or shall engage in the practice of dentistry, and the county auditors of the several counties of this state shall charge for registering such license a fee of fifty cents for each registration: *And it is hereby provided, fur-*

Fifty cent
fee.

ther, That every person who engages in the practice of dentistry in this state shall cause his or her license to be registered with the county auditor before beginning the practice of dentistry in said county, and to be, at all times, displayed in a conspicuous place, in his or her office wherein he or she shall practice such profession, and shall further, whenever requested, exhibit such license to any of the members of said board, or its authorized agent, and to the director or his authorized agent: *And it is further provided*, That every licensee shall notify the director of the address or addresses, and of every change thereof, where the licensee shall engage in the practice of dentistry.

Exhibition
of license.

Notification
of address.

SEC. 8. The director may refuse to issue the license provided for in this act, and any license now in force or that shall be hereafter given may be revoked or suspended, if issued to an individual who has, by false or fraudulent representations, obtained or sought to obtain practice, or, by false or fraudulent representations obtained or sought to obtain money or any other thing of value, or for any other improper, unprofessional, or dishonorable conduct in the practice of dentistry, or is convicted of a felony, or when the licensee is found guilty of any of the following acts or offenses:

Refusal of
license.

- (a) Fraud in procuring license.
- (b) Habitual intoxication or addiction to the use of drugs.
- (c) Willful or repeated violations of lawful rules established by any health officer of the state or any municipal corporation or division thereof.
- (d) Division of fees or agreeing to split or divide the fees received for dental services with any person for bringing or referring a patient, or assisting in the care or treatment of a patient without the knowledge of said patient or his legal representative.

(e) Employing, procuring, inducing, aiding or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry: *Provided*, That the person practiced upon shall not be deemed an accomplice, employer, procurer, inducer, aider, or abettor within the meaning of this act.

(f) Making any misrepresentation or false promises, directly or indirectly to influence, persuade, or induce dental patronage.

(g) Professional connection or association with, or lending his name to another for the illegal practice of dentistry by another, or professional connection or association with any person, firm, or corporation holding himself, themselves, or itself out in any manner contrary to this act.

Twenty days notice in case of revocation of license.

SEC. 9. 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 by the director, 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 the 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. Subpoenas shall be served in the same manner as 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 shall hear and determine the

Power to issue subpoenas.

Committee appointed.

charges and shall make findings and conclusions upon the evidence produced, and shall file the same in the director's office, together with a transcript of all the evidence, a duplicate copy of which shall be served upon the accused. The revocation or suspension of a license to practice shall be in writing signed by the director, stating the grounds upon which such order is based, and the aggrieved party shall have the right to appeal from such order within fifteen days after a copy of such order is served upon him, to the Superior Court of Thurston county, which court shall hear such matter de novo; in such appeal the entire record shall be certified by the director to said superior court, and the review on appeal shall be confined to the evidence adduced at the hearing before the director. An appeal shall lie to the supreme court of the state from the judgment of said superior court in the same manner as provided by law in other civil cases.

Right of appeal.

SEC. 10. Any failure, neglect, or refusal on the part of any person obtaining a license to practice dentistry from the said director, to register such license with the county auditor of some county in this state, within ninety days from the date of issue of the same or to notify the director of any change of address within ninety days thereof, as above directed, shall work a forfeiture of such license, and no license, when once forfeited shall be restored, except upon payment to the said director of the sum of fifteen dollars (\$15.00) for such neglect, failure, or refusal to register such license, and the surrender of forfeited license.

Failure to register license.

Penalty.

SEC. 11. The director shall charge each person applying to him for examination for a license to practice dentistry or dental surgery in this state, an examination fee of twenty-five dollars (\$25.00) and in addition thereto a fee of five dollars (\$5.00) for every duplicate license issued by said director.

Examination fee.

Compensation of board of examiners.

Report by board.

Misrepresentation; felony.

Practice in other states.

The members of the board shall each receive as compensation the sum of ten dollars (\$10.00) for each day actually engaged in the duties of the office and all legitimate and necessary expenses incurred in attending the meetings of the said board. Said board shall make an annual report of its proceedings to the governor by the 15th day of December of each year, together with an account of all moneys received and disbursed by them in pursuance of this act.

SEC. 12. Any person filing or attempting to file, as his own, the diploma or license of another or a forged affidavit of identification or qualification, shall be deemed guilty of a felony, and, upon conviction thereof, shall be subject to such fine and imprisonment as is made and provided by the statutes of this state for the crime of forgery.

SEC. 13. Any dentist who has been lawfully licensed to practice in another state or territory which has and maintains a standard for the practice of dentistry or dental surgery which in the opinion of the board is equal to that at the time maintained in this state, and who has been lawfully and continuously engaged in the practice of dentistry for five years or more immediately before filing his application to practice in this state and who shall deposit in person with the director a duly attested certificate from the examining board of the state or territory in which he is registered, certifying to the fact of his registration and of his being a person of good moral character and of professional attainments, may, upon the payment of a fee of fifty dollars (\$50.00) and after satisfactory practical examination demonstrating his proficiency, be granted a license to practice dentistry in this state, without being required to take an examination in theory: *Provided, however,* That no license shall

be issued to any such applicant, unless the state or territory from which such certificate has been granted to such 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: *And provided further*, That the Washington state board of dental examiners shall have power to enter into reciprocal relations with similar boards of other states whose laws are practically identical with the provisions of this act.

License issued; when.

Relations with boards of other states.

SEC. 14. Any one who is a legal and competent practitioner of dentistry or dental surgery in the State of Washington, and of good moral character and known to the board of dental examiners of this state as such, who desires to change his or her residence to another state or territory, shall, upon application to the board of dental examiners, receive a certificate over the signature of the president and secretary of said board, which shall attest the facts above mentioned, and giving the date upon which he was registered and licensed.

Removal to other state.

SEC. 15. The fee for issuing a certificate to a legal practitioner of this state under section 14 of this act shall be five dollars (\$5.00) and in each case the fee shall be paid to the director before the certificate shall be issued.

Fee under § 14.

SEC. 16. Any person who shall practice or offer to practice dentistry in this state without being registered or without a license for that purpose, or violates any of the provisions of the act for which no specific penalty has been provided herein, shall be subject to prosecution before any court of competent jurisdiction, and shall, upon conviction, be guilty of a gross misdemeanor.

Violation of act.

Licenses
signed by.

SEC. 17. All licenses issued by said director shall be signed by the director and by all of the members of the board.

Practice
under
own name.

SEC. 18. It shall be unlawful for any person or persons to practice dentistry under any name, except his or her own proper name, which shall be the name used in his or her license as issued by the director:

Associations.

Provided, however, This shall not apply to any person now practicing dentistry in this state under the name of an association or trade name.

Any manager, proprietor, partnership, or association owning, running, operating or controlling any room or rooms, office or dental parlors, where dental work is done, provided or contracted for, who shall employ, keep or retain any unlicensed person or dentist as an operator; or

Who shall fail, within ten days after demand made by the director or board in writing sent by registered mail, addressed to any such manager, proprietor, partnership, or association at said room, office or dental parlor, to furnish to the said director or said board with the names and addresses of all persons practicing or assisting in the practice of dentistry in his place of business or under his control, together with a sworn statement showing by what license or authority said persons are practicing dentistry, shall be guilty of a misdemeanor and subject to the penalties provided for in this act: *Provided, however,* That such sworn statement shall not be used as evidence in any subsequent court proceedings, except in a prosecution for perjury in, or connected with its execution.

Corpora-
tions.

SEC. 19. No corporation shall practice dentistry or shall solicit through itself, or its agent, officers, employees, directors or trustees, dental patronage for any dentists or dental surgeon employed by any corporation: *Provided,* That nothing contained in this act shall prohibit a corporation from employ-

ing a dentist or dentists to render dental services to its employees: *Provided, further,* That such dental services shall be rendered at no cost or charge to the employees; nor shall it apply to corporations or associations in which the dental services were originated and are being conducted upon a purely charitable basis for the worthy poor, nor shall it apply to corporations or associations furnishing information or clerical services which can be furnished by persons not licensed to practice dentistry, to any person lawfully engaged in the practice of dentistry, when such dentist assumes full responsibility for such information and services. Any corporation violating the provisions of this section is guilty of a gross misdemeanor, and each day that this act is violated shall be considered a separate offense.

Violation of section.

SEC. 20. It shall be unlawful for any person, firm or corporation to publish, directly or indirectly, or circulate any fraudulent, false or misleading statements within the State of Washington as to the skill or method of practice of any person or operator; or in any way to advertise in print any matter with a view of deceiving the public, or in any way that will tend to deceive or defraud the public; or to claim superiority over neighboring dental practitioners; or to publish reports of cases or certificates of same in any public advertising media; or to advertise as using any anesthetic, drug, formula, medicine, which is either falsely advertised or misnamed; or to advertise any amount as a price or fee for the service or services of any person engaged as principal or agent in the practice of dentistry, or for any material or materials whatsoever used or to be used, or to employ "capper" or "steerers" to obtain patronage; or to give a public demonstration of skill or methods of practicing dentistry upon or along the streets or highways; and any person

Unlawful advertising.

committing any offense against any of the provisions of this section shall, upon conviction, be subjected to such penalties as are provided in this act:

May
announce
credit.

Provided, That any person licensed under this act may announce credit, terms of credit or installment payments that may be made at periodical intervals to apply on account of any dental service rendered: *And provided further*, That any person licensed under this act shall not advertise any specific amount of credit, terms of credit or installment payments that may be made at periodical intervals to apply on account of any dental service rendered.

List of
authorized
dentists.

SEC. 21. It shall be the duty of the director as soon as practicable after the first of each calendar year to furnish without charge to the secretary of the Washington state board of dental examiners a list of persons authorized to practice under this act.

Enforcement
of act.

SEC. 22. The said director is charged with the duty of enforcing this act and it shall be the duty of any prosecuting attorney on the complaint of the director or the board or of any member thereof to prosecute any violation of this act. The certificate of the county auditor of the county in which any such proceeding shall be pending and/or the certificate of said director of licenses certifying in substance to the facts shown of record in their respective offices, or of the facts that no license required by this act has been issued, registered or renewed, shall be prima facie evidence in such proceeding of the truth of such certificate.

Who may
bring
actions.

SEC. 23. The attorney general, each prosecuting attorney, the director, the state board of dental examiners, or any citizen of any county where any person shall engage in the practice of dentistry as herein defined without possessing a valid license so to do, may in accordance with the laws of this state governing injunctions, maintain an action in the

name of this state to enjoin such person from engaging in the practice of dentistry as herein defined until a valid license to practice dentistry be secured: *Provided, however,* That such injunction shall not relieve such person so practicing dentistry without a valid license from criminal prosecution therefor, but such remedy by injunction shall be in addition to the liability of such offender to criminal prosecution.

SEC. 24. Every person who is granted a license under this act to practice dentistry in this state shall pay to the director of licenses a license renewal fee of two dollars (\$2.00) 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 said director 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 (\$2.00) 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.

Renewal of
license.

Fee.

Failure to.

SEC. 25. 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 medical or dental society or at a convention approved by the Washington State Medical or Dental Association or Washington Progressive Dental Society; nor shall this act prevent students from practicing or per-

Act not
applying to.

forming dental operations under the supervision of competent instructors in any reputable dental college.

Prescriptions.

SEC. 26. Registered pharmacists of this state may fill prescriptions of legally licensed dentists of this state for any drug necessary in the practice of dentistry.

Equipment kept sanitary.

SEC. 27. 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 hygienist.

SEC. 28. Any licensed dentist who shall permit any dental hygienist operating under his supervision to perform any operation required to be performed by a dentist under the provisions of this act shall be guilty of a misdemeanor.

Partial invalidity.

SEC. 29. Should any section of this act for any reason be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the act.

§§ 1-25, ch. 16, Laws 1916, repealed.

SEC. 30. Subsections 1 to 25 inclusive, section 10030 of Remington's Compiled Statutes, being sections 1 to 25, inclusive, of chapter 16 of the Laws of 1923, and all other acts and parts of acts in conflict with this act are hereby repealed: *Provided, however,* That such repeal shall in no wise effect any suit, prosecution or court proceeding pending at the date of the passage of this act and the board created by this act shall have the power and authority to discharge any obligation and perform any duty of the director of licenses existing under the acts above repealed and which are invested in it by this act.

Repeal, not effective pending prosecution.

SEC. 31. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately. Effective immediately.

Passed the House March 8, 1935.

Passed the Senate March 7, 1935.

Approved by the Governor March 20, 1935.

CHAPTER 113.

[H. B. 89.]

DECLARATORY JUDGMENTS.

AN ACT relating to declaratory judgments and providing therefor.

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

SECTION 1. County courts, courts of chancery and probate courts within their respective jurisdictions shall have power to declare rights, status and other legal relations whether or not further relief is or could be claimed. An action or proceeding shall not be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree. Courts.

SEC. 2. A person interested under a deed, will, written contract or other writings constituting a contract, or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder. Determination of rights.

SEC. 3. A contract may be construed either before or after there has been a breach thereof. Before or after breach.