

## Chapter 679

### 1955 REPLACEMENT PART

#### Dentists

679.010	Definition	679.130	Failure to make annual renewal payment
679.020	Practice of dentistry or conducting dental office without license prohibited	679.140	Grounds for suspension and revocation of licenses
697.025	What constitutes practice of dentistry	679.150	Hearing procedure; rights of accused and board; cancelation of license
679.030	Chapter not applicable to pre-1900 dentists	679.160	Appeal from board decision
679.040	Designation as dentist is prima facie evidence	679.170	Prohibited practices
679.050	Nonresident demonstrators and instructors	679.175	Dental prescriptions; contents; disposition of copies
679.060	Application for license; qualifications of applicants	679.180	Conducting prosecutions to enforce chapter; appeals to Supreme Court; jurisdiction of courts
679.070	Scope and conduct of examination; national board certificate in lieu of examination	679.230	State Board of Dental Examiners; appointment and qualification of members
679.080	Re-examination of applicants	679.240	Oath of office
679.090	Registration; issuance of certificates	679.250	Powers and duties of board
679.100	Recording certificate	679.260	Disbursement of receipts
679.110	Replacement of lost certificates	679.270	Biennial report
679.120	Annual renewal of licenses; display of license	679.990	Penalties

#### CROSS REFERENCES

Administrative agencies generally, Ch. 182	Appeal bond, state not required to furnish, 22.010
Dentists exempt from jury duty, 10.040	Costs, state not required to advance, 20.140
Employment of dental hygienists by dentists, 680.150 to 680.170	679.250
Military or naval service, persons relieved from payment of fees, 408.450	Employment of attorneys, under control of Attorney General, 180.220, 180.230
679.040	Licensing dental hygienists, Ch. 680
Professional designation of licensed dentist, 676.110	Rules and regulations, making and filing, Ch. 183
Use of professional designation by unlicensed person prohibited, 676.120	Salary of executive secretary, 292.317 (60)
679.060	Supplying list of licensees to Secretary of State, 676.140
Certificate of proficiency in fundamental sciences, 676.010	679.260
Waiver of educational requirement for admission to examination, 670.010	Board of Dental Examiner's Fund as part of General Fund, 291.352 and 291.354
679.140	Expenditures without allotment prohibited in certain cases, 291.238
Injunction against practicing after suspension or revocation of license, 676.220	Receipts from licensing dental hygienists, 680.110
Revocation of license for permitting dental hygienist to practice unlawfully, 680.030	Subsistence and mileage allowance for travel, reimbursement, 291.004(9), 292.210 to 292.260
679.160	Transfer of portion of receipts to General Fund for general governmental purposes, 291.368 to 291.374
Appeal bond, deposit of money or security in lieu of, 22.020	



**679.010 Definitions.** As used in this chapter, unless the context requires otherwise, "board" means the State Board of Dental Examiners.

**679.020 Practice of dentistry or conducting dental office without license prohibited.** (1) No person shall practice dentistry without a license.

(2) Every individual shall, before engaging, conducting, operating or maintaining any dental office, in any way, obtain a license to practice dentistry in this state. However, any individual engaged in the actual business of conducting, operating or maintaining any dental office in Oregon, on January 1, 1919, shall, upon proper proofs, by affidavits, of such fact, together with a statement of the names of the persons constituting the individuals presented to the State Board of Dental Examiners, be exempt from the provisions of this chapter, and be issued a license by the board to conduct a dental office upon the payment to the board of the same annual license fee paid by licensed dentists.

**679.025 What constitutes practice of dentistry.** (1) Any person shall be considered to be practicing dentistry within the meaning of this chapter who:

(a) Uses or permits to be used, for a profit or otherwise for himself or any other person, the title "Doctor," "Dr.," "Doctor of Dental Surgery," "D.D.S.," "Doctor of Dental Medicine," "D.M.D.," or any other letters, titles, terms or descriptive matter, personal or not, which represents him to be engaged in the practice of dentistry.

(b) Informs the public in any manner that he can perform or will attempt to perform dental operations of any kind, or who undertakes to practice dentistry by any means or methods, as defined in this section.

(c) Diagnoses, treats, prescribes or professes to diagnose, treat or prescribe for any of the lesions, diseases, disorders or deficiencies of the human oral cavity, teeth, investing tissue, maxilla or mandible, or adjacent associated structures.

(d) Extracts or corrects the malposition of human teeth.

(e) Administers anesthetics, either general or local.

(2) Nothing in this section shall apply to:

(a) Bona fide students of dentistry in pursuit of clinical advantages during the period of their dental enrollment in a dental

college, and attendance upon a regular uninterrupted course in such college, performed in the college building.

(b) Physicians in the regular discharge of their duties.

(c) Any graduate of a class A dental school regularly appointed and acting as a dental intern in the University of Oregon Medical School.

(d) Any person while employed by a dental college as an instructor, by the State Board of Health or by a state institution, if such person is not otherwise engaged in the practice of dentistry.

(e) Dentists of the Armed Forces, of the United States Public Health Service and of the Veterans' Administration of the United States, while operating under the jurisdiction of their respective departments. [1953 c.574 §2; 1955 c.560 §1]

**679.030 Chapter not applicable to pre-1900 dentists.** The provisions of this chapter do not apply to any person who was legally practicing dentistry in this state on February 20, 1899. [Amended by 1953 c.574 §5]

**679.040 Designation as dentist is prima facie evidence.** If any person appends the letters "D.D.S." or word "dentist" to his name, in any way, for advertising, or upon any door or sign, or causes either of the same to be done, it is prima facie evidence that such person is engaged in the practice of dentistry and subject to the regulations and convictions and penalties of this chapter.

**679.050 Nonresident demonstrators and instructors.** If a reputable and duly licensed practitioner in dentistry of another state is asked to appear and demonstrate or give instruction in the practice of dentistry within the meaning of this chapter before any qualified dental college or dental organization recognized by the American Dental Association, the secretary of the board shall issue on written request of an authorized officer of such college or dental organization, without fee, a permit for such purpose. No permit shall be issued for more than six days.

**679.060 Application for license; qualifications of applicants.** (1) Any person desiring to practice dentistry in this state shall file his name, together with an application for examination, with the secretary of the

board at least 15 days before the date set for the beginning of the examination.

(2) At the time of making his application, the applicant shall:

(a) Pay to the secretary of the board a fee of \$50.

(b) Furnish the board with satisfactory affidavits of good moral character.

(c) Present to the board his diploma or satisfactory evidence of having graduated from a reputable dental school or college which must have been approved by the board.

(d) File with the board his diploma or certificate of graduation from a high school accredited to the University of Oregon, or any other university of equal standing, or a certificate signed by a state superintendent of public instruction, or similar officer, to the effect that the applicant has had scholastic preparation equivalent in all respects to that demanded for graduation from a high school giving a four-year course of instruction in the state from which the certificate is issued. In lieu of the certificate or diploma from an accredited high school, the applicant may and with like effect, furnish to the board a certificate from the board of dental examiners or similar official body of some other state showing that the applicant has been a duly licensed practitioner of dentistry in such state for at least five years, and has had scholastic preparation equivalent to high school giving a three-year course of instruction in the state from which the certificate is issued.

(3) The board may admit to examination other persons of good moral character who give satisfactory evidence of having been engaged in the practice of dentistry in the State of Oregon prior to February 20, 1899.

(4) No person shall be permitted to apply for examination who is not 21 years of age and a citizen of the United States.

(5) If the applicant graduates from a dental school or college subsequent to June 30, 1941, he shall be a graduate of a dental school or college which, at the time of graduation, has not been denied a rating by the Council on Dental Education or other similar body, approved by the American Association of Dental Examiners, equal to that given a majority of dental schools or colleges rated by such body. Such dental school or college must require two years of predental education in a school or university satisfactory to the board and such dental school or college

must require four full terms of instruction of not less than eight months each. The applicant also shall comply with such other reasonable regulations as the board shall require of all other applicants for the privilege of taking the examination.

(6) If an applicant has been in practice in another state or states he shall furnish an affidavit from the secretary of the board of dental examiners or similar body of such state or states that he is of good moral character and has been engaged in the legal and reputable practice of dentistry in such state or states for the five years immediately preceding, unless the applicant graduated from a dental college less than five years previously, in which case the affidavit shall cover the period since graduation.

**679.070 Scope and conduct of examination; national board certificate in lieu of examination.** (1) The examination shall be elementary and practical in character but sufficiently thorough to test the fitness of the applicant to practice dentistry. It shall include, written in the English language, questions on any subjects pertaining to dental science. The written examination may be supplemented by oral examination. Demonstrations of the applicant's skill in operative and prosthetic dentistry also shall be required. The examination shall be conducted under oath or affirmation before the board, and any member of the board may administer the necessary oath or affirmation.

(2) A certificate of the National Board of Dental Examiners may be accepted in lieu of written examination.

**679.080 Re-examination of applicants.** Any person failing to pass the first examination successfully may demand a second and a third examination at subsequent meetings of the board, and a fee of \$15 shall be charged for each such examination. If the applicant fails to pass the third examination he will not be permitted to take any further examination until he has attended and successfully passed the examinations of the senior year of a dental college approved by the board.

**679.090 Registration; issuance of certificates.** (1) All persons successfully passing the examination shall be registered as licensed dentists in the board register and shall also receive a certificate signed by the

president and secretary of the board, in substantially the following form:

This is to certify that — hereby is licensed to practice dentistry in the State of Oregon.

Dated at —, this — day of —, 19—.

(2) The certificate entitles the holder thereof to practice dentistry in any county in this state.

**679.100 Recording certificate.** Unless he has filed for record and has recorded in the office of the board a certificate from the board entitling him to so practice, no person, as principal, agent, employer, employe, assistant or in any manner whatever, shall practice dentistry or for reward or hire do any act of dentistry.

**679.110 Replacement of lost certificates.** The board shall upon satisfactory proof of the loss of any certificate issued under this chapter, issue a new certificate in place thereof.

**679.120 Annual renewal of licenses; display of license.** In addition to the license fee required of applicants, every licensed dentist shall pay, each year, to the secretary of the board, the sum of \$7 as a license fee for such year. The board may waive the payment of the annual fee in the case of any licensee who furnishes satisfactory evidence that he has discontinued the actual practice of dentistry because of physical disability or retirement resulting from advanced age. Such payments shall be made prior to April 1 each year, and a receipt or certificate given therefor by the secretary. Every licensee shall display the certificate or receipt in some conspicuous place in his office.

**679.130 Failure to make annual renewal payment.** In case of default in payment of the annual fee by any licensee, his license shall be revoked by the board upon 20 days' notice given to the licensee of the time and place of considering such revocation. A registered letter addressed to the last known address of the licensee failing to comply with the requirement is sufficient notice. Any license so revoked may be reinstated within five years after the date of revocation upon payment to the board of all unpaid fees for each intervening year, plus a penalty of \$10. But no license shall be revoked for nonpayment if the licensee so notified pays, before or at the time of such consideration, the fee required and such penalty, not to exceed \$10,

as may be imposed by the board, but the board may collect any such dues by law.

**679.140 Grounds for suspension and revocation of licenses.** (1) Any dentist may have his license revoked or suspended by the board for any of the following causes:

(a) His conviction of a felony or misdemeanor involving moral turpitude. The record of conviction or a certified copy thereof, certified by the clerk of the court or by the judge in whose court the conviction is entered, is conclusive evidence.

(b) For renting or loaning to any person his license or diploma to be used as a license or diploma of such person.

(c) For unprofessional conduct, or for gross ignorance or inefficiency in his profession.

(2) Unprofessional conduct means:

(a) Employing what are known as "cappers" or "steerers" to obtain business.

(b) The obtaining of any fee by fraud or misrepresentation.

(c) Wilfully betraying professional secrets.

(d) Employing directly or indirectly any student or any suspended or unlicensed dentist to perform operations of any kind, or to treat lesions of the human teeth or jaws, or correct malimposed formations thereof.

(e) Making use of any advertising statements of a character tending to deceive or mislead the public.

(f) Advertising professional superiority or the performance of professional services in a superior manner.

(g) Advertising prices for professional service.

(h) Advertising by means of large display, glaring light signs, or containing as a part thereof the representation of a tooth, teeth, bridgework or any portion of the human head.

(i) Employing or making use of advertising solicitors or free publicity press agents.

(j) Advertising any free dental work or free examination.

(k) Advertising to guarantee any dental service, or to perform any dental operation painlessly.

(L) Habitual excessive use of intoxicating liquor or narcotic drugs, or gross immorality.

(3) The proceedings under this section and ORS 679.150 may be taken by the board from the matters within its knowledge, or

may be taken upon the information of another, but if the informant is a member of the board, the other members of the board shall constitute the board for the purpose of finding judgment of the accused. [Amended by 1955 c.560 §2]

**679.150 Hearing procedure; rights of accused and board; cancelation of license.**

(1) All accusations must be in writing, verified by some party familiar with the facts charged, and three copies thereof must be filed with the secretary of the board. Upon receiving the accusation the board shall, if it considers the accusation sufficient, make an order setting it for hearing, and requiring the accused to appear and answer it at the hearing, at a specified time and place. The secretary shall cause a copy of the order and of the accusation to be served upon the accused at least 10 days before the day appointed in the order for the hearing.

(2) The accused must appear at the time appointed in the order and answer the charges and make his defense, unless for sufficient cause the board assigns another day for that purpose. If he does not appear the board may proceed and determine the accusation in his absence. If the accused pleads guilty or refuses to answer the charges, or, upon the hearing, the board finds any of the charges true, it may proceed to a judgment of either revoking his license or suspending it.

(3) The board and the accused may have the benefit of counsel, and the board shall have power to administer oaths, take the depositions of witnesses in the manner provided by law in civil cases and compel their appearance before it in person the same as in civil cases, by subpoena issued over the signature of the secretary and the seal of the board and in the name of the people of the State of Oregon.

(4) Upon the revocation of any license the fact shall be noted upon the records of the board and the license shall be marked as canceled upon the date of its revocation.

**679.160 Appeal from board decision.**

(1) In case of the revocation of a license by the board the licentiate whose license has been revoked by the board may appeal from the decision within 30 days of the cancelation of the license. The appeal shall be to the circuit court in the county where the meeting of the board was held in which the revocation was made. If a person de-

sires to take an appeal he shall serve, or cause to be served, upon the secretary of the board a written notice of appeal, which shall contain a statement of the grounds of appeal, and shall file in the office of the secretary an appeal bond with good and sufficient surety, to be approved by the secretary, running to the State of Oregon, conditioned for the speedy prosecution of the appeal and the payment of such costs as may be charged against him upon appeal.

(2) The secretary, within 10 days after the service of notice of appeal, and the filing and approval of the bond, shall transmit to the clerk of the circuit court, to which the appeal is taken, a certified copy under the seal of the board of the accusations on which the revocation was based, the ground for appeal, together with the notice and bond of appeal. The clerk of such court shall thereupon docket the appeal causes and they shall be tried in all respects as ordinary civil actions and like proceedings shall be had thereon. Upon appeal the cause shall be tried de novo.

(3) Either party may appeal from the judgment of the circuit court to the Supreme Court in the manner as civil actions may be appealed. The judgment shall be stayed from the date of the approval of the bond until final determination of the appeal.

**679.170 Prohibited practices.** No person shall:

(1) Sell or barter, or offer to sell or barter, any diploma or document conferring or purporting to confer any dental degree, or any certificate or transcript made or purporting to be made, pursuant to the laws regulating the license and registration of dentists.

(2) Purchase or procure by barter, any such diploma, certificate or transcript, with intent that it be used as evidence of the holder's qualification to practice dentistry, or in fraud of the laws regulating such practice.

(3) With fraudulent intent, alter in a material regard any such diploma, certificate or transcript.

(4) Use or attempt to use any such diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist.

(5) Practice dentistry under a false or assumed name.

(6) In an affidavit, required of an applicant for examination, license or registration, under this chapter, wilfully make a false statement in a material regard.

(7) Engage in the practice of dentistry under any title or name without causing to be displayed in a conspicuous manner and in a conspicuous place in his office the name of each person employed in the practice of dentistry therein, together with the word "mechanic" or "apprentice" after the name of each unlicensed person employed.

(8) Within 10 days after demand made by the secretary of the board, fail to furnish to the board the name and address of all persons practicing or assisting in the practice of dentistry in the office of such person at any time within 60 days prior to the notice, together with a sworn statement showing under and by what license or authority such person and employe are and have been practicing dentistry; but the affidavit shall not be used as evidence against such person in any proceeding under this section.

(9) Knowingly display in or about the office or building a sign or signs of a former dentist, owner or occupant, or use the name of a former dentist in any form of advertising or listing for a period longer than 12 months after such person ceases to be connected with such office.

**679.175 Dental prescriptions; contents; disposition of copies.** A dental prescription as required by paragraph (e) of subsection (1) of ORS 679.025 [1953 edition] must be made out in duplicate. It shall contain such data as may be prescribed by the rules and regulations of the board. One copy shall be retained by the practitioner of dentistry for one year. The other copy shall be issued to the person engaged in filling dental prescriptions who shall retain it for one year. [1953 c.574 §3]

**679.180 Conducting prosecutions to enforce chapter; appeals to Supreme Court; jurisdiction of courts.** (1) The district attorney of each county shall attend to the prosecution of all complaints made under this chapter, both upon the trial in the justice court where the complaint may be made, and also upon the hearing in the circuit court, either upon the complaint, or upon the information or indictment filed against

any person under this chapter. However, nothing in this chapter shall be construed to prevent the prosecution of any person for violation of this chapter upon the information of the district attorney directly.

(2) The Attorney General shall appear in the Supreme Court and attend to the prosecution of all criminal cases arising under this chapter which may be appealed to that court, or taken to the Supreme Court by writ of error.

(3) Justice courts have original concurrent jurisdiction of all offenses committed against the provisions of this chapter.

**679.190 to 679.220** [Reserved for expansion]

**679.230 State Board of Dental Examiners; appointment and qualification of members.** The State Board of Dental Examiners shall consist of five members. A member shall be appointed to the board by the Governor upon the expiration of the term of office of each of the preceding board members. Each member shall hold the office for three years and until his successor is appointed and qualified. Terms of office begin on the first Monday of April after the time of appointment. No person is eligible to membership on the board who does not, at the time of his appointment and qualification, hold a certificate entitling him to practice dentistry in this state or who is not a citizen of the United States or a resident of the State of Oregon. Appointments made by the Governor to the State Board of Dental Examiners may be selected by the Governor from a list of five names for each appointment suggested by the Oregon State Dental Association.

**679.240 Oath of office.** Each member of the board shall, before entering upon the duties of his office, take and subscribe an oath or affirmation substantially to the effect that he will support the Constitution and laws of the United States and the State of Oregon, will faithfully perform the duties of the office of a member of the State Board of Dental Examiners, and that he is a citizen of the United States and a resident of this state.

**679.250 Powers and duties of board.** The powers and duties of the board are as follows:

(1) To, during the month of April of each year, organize and elect from its membership a president who shall hold office

for one year, or until the election and qualification of a successor. The board shall appoint a full-time executive secretary. The secretary of the board shall, before entering upon the discharge of his duties, execute and give a good and sufficient bond for the faithful performance of his duties as secretary. He shall receive all fees and moneys paid to the board, make all disbursements in accordance with this chapter, keep all records, property and equipment of the board and discharge such other duties as the board shall, from time to time, prescribe. All records of receipts and disbursements shall be audited once a year by a representative designated by the Secretary of State and a record of the audit shall be filed with the Secretary of State.

(2) To authorize all necessary disbursements to carry out the provisions of this chapter, including payment of premiums on the bond of the secretary, such salary to the secretary as the board may prescribe, payment for necessary supplies, office equipment, books and expenses for the conduct of examinations, and such other expenditures as are provided for in this chapter.

(3) To employ attorneys and such assistants as deemed necessary for the investigation and prosecution of alleged violations and the enforcement of this chapter. However, all obligations for salaries and expenses incurred under this chapter shall be paid from the fees accruing to the board under this chapter and not otherwise.

(4) To conduct examinations of applicants for license to practice dentistry at least twice in each year. Thirty days' notice must be given of the time and place of the meeting of the board for the conduct of examinations for license to practice dentistry by publication of the notice in at least one newspaper of general circulation published in this state.

(5) To meet for the transaction of other business at the call of the president and the secretary. Three members of the board shall constitute a quorum, and its proceedings shall be open to public inspection in all matters affecting public interest.

(6) To keep an accurate record of all proceedings of the board and of all its meetings, of all receipts and disbursements, of all prosecutions for violation of this chapter, of all examinations for license to practice dentistry, with the names, addresses and qualifications for examination of any

person examined and the results of such examinations, a record of the names and addresses of all persons licensed to practice dentistry in Oregon and of all persons whose license to practice has been revoked or suspended, and of deceased licensees.

(7) To make and enforce rules and regulations for the procedure of the board, for the conduct of examinations and the practice of dentistry not inconsistent with the provisions of this chapter. No rules for the conduct of the practice of dentistry shall be placed in effect until they have been approved as consistent with the provisions of this chapter by the Attorney General. [Amended by 1953 c.8 §2]

#### **679.260 Disbursement of receipts. (1)**

(a) In order to provide the means for carrying out and maintaining the provisions of this chapter the board shall charge persons applying to or appearing before them for examination for a certificate of qualification the fees provided for in ORS 679.060 and 679.080, which fees shall in no case be returned. Out of the funds coming into the possession of the board from the fees so charged, the sum of \$10 for each day actually engaged in the duties of their office, and all legitimate and necessary expenses incurred in attending to the duties of the board, shall be paid to each member of the board. The board also may pay out of the funds all expenses which reasonably may be incurred by them in carrying out and maintaining the provisions of this chapter.

(b) All moneys received from any source in excess of expenses and salaries as provided for in paragraph (a) of this subsection shall be held by the secretary of the board, as a special fund for meeting the expenses of the board and carrying out the provisions of this chapter and for such uses for educational purposes as may be deemed wise by the board.

(2) All fines imposed and collected under this chapter shall be paid into the treasury of the county in which the suits, actions or proceedings were commenced. All money thus paid into the treasury, over and above the amount necessary to reimburse the county for any expense incurred by the county, in any suit, action or proceeding brought under this chapter, shall be paid before January 1 of each year, into the State Treasury and become a part of the fund to be used by the board in the



enforcement of this chapter, and shall be used for no other purpose.

(3) All moneys received by the secretary from fees or penalties under ORS 679.120 and 679.130 shall be disbursed by him in carrying out and maintaining the provisions of this chapter; but \$3.50 of the annual license fee to be paid by each dentist may be used exclusively by the board for educational purposes and general welfare of the public.

**679.270 Biennial report.** The board shall make a biennial report of its proceedings to the Governor, on or before November 15 of each even-numbered year, together with an account of moneys received and disbursed by it pursuant to this chapter.

**679.990 Penalties.** (1) Violation of subsection (1) of ORS 679.020 is punishable

for each offense, upon conviction, by a fine of not less than \$5 nor more than \$200 or by imprisonment in the county jail for not more than six months.

(2) Violation of ORS 679.100 is punishable for each offense, upon conviction, by a fine of not more than \$250 or by imprisonment in the county jail for not more than six months.

(3) Violation of any of the provisions of ORS 679.170 is punishable, upon conviction, by a fine of not more than \$250 or by imprisonment in the county jail for not more than six months, or by both.

(4) Violation of ORS 679.175 is punishable, upon conviction, by a fine of not more than \$250 or by imprisonment in the county jail for not more than six months, or both. [Subsection (4) enacted as 1953 c.574 §4]

#### CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.  
Done at Salem, Oregon,  
on October 15, 1955.

Sam R. Haley  
Legislative Counsel

