

Dentistry.

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An act to regulate the practice of dentistry in the state of New Jersey

Approved April 7, 1890.

P. L. 1890, p. 227.

1. That a board or commission, to be known as the state board of registration and examination in dentistry is hereby created, to consist of five resident and practicing dentists, whose duty it shall be to carry out and enforce the provisions of this act; the present members of the board of dental examiners appointed and now existing under the act of the legislature of this state, entitled "An act to regulate the practice of dentistry and to protect the people against empiricism in relation thereto in the state of New Jersey," approved anno domini one thousand eight hundred and seventy-three, shall constitute the first members of said board or commission, and shall hold office until the first Tuesday in October next and until their successors are appointed as hereinafter provided; the New Jersey state dental society shall, at its next annual meeting, recommend to the governor five dentists of good repute, residing and practicing in this state, whom the governor shall appoint members of said board or commission to fill the vacancies occurring on the first Tuesday in October next, as hereinbefore provided; the members of said board or commission shall be appointed for the term of five years and until their successors are duly appointed, except that of the members thereof first to be appointed upon recommendation of said society; one shall hold office until the first Tuesday in October next; one until the first Tuesday in October, anno domini one thousand eight hundred and ninety-one; one until the first Tuesday in October, anno domini one thousand eight hundred and ninety-two; one until the first Tuesday in October, anno domini one thousand eight hundred and ninety-three, and one until the first Tuesday in October, anno domini one thousand eight hundred and ninety-four; and the members so first appointed as aforesaid shall immediately upon their appointment determine by lot the period for which each member shall hold office; it shall be the duty of the New Jersey state dental society, at each annual meeting after the next, to recommend to the governor a dentist in good repute, residing and practicing in this state, whom the governor shall appoint to fill the vacancy in the said board occurring in the year in which such meeting is held; vacancies occurring in the term of any member or members shall be filled for the unexpired term or terms only, in the same manner, upon recommendation to be made by said society; the governor may remove any member of said board for good cause shown, upon recommendation of the New Jersey state dental society.

2. That immediately after the passage of this act the present members of the "board of examiners" shall meet and organize as the state board of registration and examination in dentistry, under this act, by the election from their number of a president and secretary, who shall severally hold office until the first Tuesday in October next, and until their successors are elected; the board shall annually elect from its number a president and secretary, who shall have the power during their term of office to administer oaths and take affidavits, certifying thereto under their hands and the seal of said board; said board shall hold at least two

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State board of registration and examination created.

First members of the board and term of office.

State dental society to recommend to governor the members of the board.

Term of office of members.

Members to determine by lot.

Vacancies, how filled.

Present board of examiners to meet and organize as a state board.

Annually to elect president and secretary, &c.

Annual report to be made.

Examination of applicants.

May adopt and use a common seal.

Persons practicing dentistry to apply to board, &c.

Certificate to be issued.

Proviso.

Persons aggrieved by action of board may appeal to supreme court.

Applicants to file name, application, &c.

Examination fee.

meetings in each year for the purpose of examining and licensing persons to practice dentistry in this state; three of said board shall constitute a quorum, and its proceedings shall, at all reasonable times, be open to public inspection; said board shall make an annual report of its proceedings to the governor, on or before the thirty-first day of December, in each year; the board shall adopt rules for its own government, and rules for the examination and licensing of practitioners of dentistry in this state; the examination of applicants for license to practice shall be confined to written or oral examination, or both written and oral, upon subjects properly relating to the science of dentistry, and a knowledge of which is necessary to the proper and skillful practice of said science; the said board may also require from applicants, as part of the examination, demonstrations of their skill in operative and mechanical dentistry; and any rule altering the nature of the examination and increasing the severity thereof, or the subjects to be included therein, shall not be enforced at any examination held within six months after its adoption and public promulgation; said board shall have the power to determine the good standing and repute of any college or colleges, and may from time to time, designate in some public manner colleges whose diplomas will be received by it; the said board shall announce in the leading dental journals, from time to time, its regular stated times for holding examinations; it shall also cause to be published at least once in such journals, the rules and amendments thereto adopted for the examinations and licensing of practitioners, and the mode and terms of application for examining and license, which shall, in all cases, be reasonable and fair; said board shall adopt a common seal, and may sue or be sued, and in all actions brought by or against it, it shall be made a party under the name of the state board of registration and examination in dentistry.

3. That it shall be the duty of every person lawfully practicing, or entitled to practice dentistry in this state at the time of the passage of this act, to apply to said board, before the first day of January, anno domini one thousand eight hundred and ninety-one, to cause his name, residence and place of business to be registered in a book to be kept for that purpose by the secretary of said board; and the said board shall issue to each person registered by it, a certificate under its seal and the hand of its president and secretary, setting forth that such person was, at the time of the passage of this act, lawfully entitled, by the laws of this state, to practice dentistry and is duly registered; the said board, for good cause shown, may register and issue its certificate thereof, to any person applying therefor after said first day of January, anno domini one thousand eight hundred and ninety-one; *provided*, it shall appear to the satisfaction of said board that the person so applying was lawfully practicing or entitled to practice dentistry at the time of the passage of this act, and that the refusal to issue such certificate will work hardship to said person so applying; the said board may demand from any person applying for registration and certificate, proof of his right to the same under this act, and may refuse to grant registration and certificate thereof to any person not lawfully entitled thereto.

4. That any person aggrieved by such action of said board may apply within sixty days after such refusal by said board to the supreme court of this state for its writ of mandamus to compel said board to register and issue its certificate to him; and in case any justice of said court shall issue or allow on such application an order on said board to show cause, no suit for the collection of any penalty for violation of this act shall be instituted against such person until the final hearing and determination of such application.

5. That any person who may desire to begin the practice of dentistry in this state after the passage of this act shall file his name, together with an application for examination, in the form provided for by the rules of said board, with the secretary of said board, and at the time of making such application shall pay to the secretary of said board a fee of twenty-five dollars, and shall present himself for examination at the first regular meeting

of the board thereafter held for examination and licensing of practitioners in dentistry, due notice of which meeting shall be given him; the examination fee shall in no case be refunded, but should any applicant, from sickness or other good cause appearing to the satisfaction of the board, fail to attend such examination, or should any person appearing, fail to pass successfully the examination, such person so failing to appear or failing to pass shall be admitted to any subsequent examination or examinations without the payment of further or other fee; every applicant for examination shall, with his application, submit to the said board, as a prerequisite to examination, a diploma of graduation from a dental college recognized by said board as in good standing and repute, and proof, if the board shall so require, that the same was regularly issued and conferred upon the holder in due course; or, if not a graduate of a dental college, a certificate under oath from a reputable and duly-authorized dentist that he has studied with and under such dentist as a student for not less than five years continuously; all persons successfully passing such examination shall be registered as licensed dentists, in a book to be kept by the secretary of the board for that purpose, and shall receive from said board a certificate under the seal of said board and the hand of its president and secretary, that the person named therein is lawfully authorized and licensed to practice dentistry in this state; such certificate, lawfully and regularly issued, shall be evidence in any of the courts of this state of the right of the person named therein to practice dentistry in this state.

Diploma to be submitted to board.

Secretary to register licensed dentists.

6. That from and after the passage of this act any person desiring to study dentistry in this state with any duly-authorized dentist, for the purpose of presenting himself for examination and license as a practitioner of dentistry in this state at the expiration of his term of study, shall cause his name and residence and the name and residence of his preceptor to be registered with said board, and his term of study shall commence and date only from such registration; any person so registered as a student may perform mechanical work in the office of his preceptor, but no student shall perform any operation upon the mouth or jaw of any person, save in the presence and under the supervision of his preceptor, under penalty of revocation of his registration as a student and such further penalty as is hereinafter provided for unlawful practice of dentistry in this state.

Persons desiring to study dentistry with any duly-authorized dentist to register their names and preceptors.

Students not to perform operations.

7. That it shall be unlawful for any person not now by the laws of this state authorized, hereafter to practice dentistry in this state save after examination and license by the said state board of registration and examination in dentistry, and no person shall be examined by said board for license unless he is, at the time of such examination, the graduate of and the holder of a diploma of graduation from a dental college recognized as in good repute by said board, or shall have studied with a reputable dentist for five years continuously preceding his application for examination.

When unlawful to practice dentistry.

8. That out of the funds coming into the possession of said board shall be paid the expenses of said board incurred in carrying out the provisions of this act, and mileage to each member, at the rate of five cents per mile for all distance necessarily traveled in discharge of his duties; no part of the mileage or other expenses of the board shall ever be paid out of the state treasury; all moneys received shall be held by the secretary of the board, and paid out only upon resolution of the board and warrant of its president, and the secretary shall give bond in such sum as the board shall, from time to time, direct, with good and sufficient surety, to be approved by the board; and the said board shall, in its annual report to be made to the governor, submit a statement of all moneys received and disbursed by it during the period covered by said report.

Expenses and mileage of members of the board paid out of funds received.

Moneys, by whom held, and statement to be made.

9. [Amended by Sec. 12, *post.*]

10. That the penalties imposed and the sums to be forfeited in and by the preceding section of this act shall be sued for and recovered, with costs of suit, in an action of debt, to be brought by the board of registration and examination in dentistry before any judge of any city district court in or court of common pleas of the county wherein such offense shall have been committed, or in any county wherein such offender may reside; one-half of

Penalties and sums forfeited, how recovered.

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such penalty or forfeit money shall be for the use of the state board of registration and examination in dentistry, and one-half shall be paid into the treasury of the state for the use thereof; and in case the defendant shall fail or neglect to pay the amount recovered against him, with costs, the judge or court before whom judgment has been obtained shall issue his process against the body of the defendant, and cause him to be committed to the jail of the county in which the judgment is obtained until the judgment and costs are paid; the imprisonment, however, shall not exceed four calendar months from the date of such commitment.

Repealer.

11. That the act of the legislature of this state, entitled "An act to regulate the practice of dentistry and to protect the people against empiricism in relation thereto in the state of New Jersey," approved March the fourteenth, anno domini one thousand eight hundred and seventy-three, the supplement thereto approved February seventeenth, anno domini one thousand eight hundred and eighty, and the supplement thereto approved March the twenty-seventh, anno domini one thousand eight hundred and eighty-four, and all acts and parts of acts inconsistent herewith, be and the same hereby are repealed.

Supplement.

P. L. 1894, p. 55.

Approved April 11, 1894.

12. SEC. 1. That section nine of the act to which this is a supplement be and the same is hereby amended so as to read as follows :

Penalty for unlawfully practicing in the state.

[That any person, not now lawfully practicing or entitled to practice dentistry by the laws of this state, who shall practice dentistry in this state after the passage of this act without having first obtained from said board of registration and examination in dentistry a certificate of license to practice in accordance with the provisions of this act, shall forfeit and pay the sum of three hundred dollars for each and every offense; any person now lawfully practicing or entitled to practice dentistry under the laws of this state who shall, after the first day of January, anno domini one thousand eight hundred and ninety-one, practice dentistry in this state without having first obtained from said board of registration and examination in dentistry a certificate of registration, in accordance with the provisions of this act, shall forfeit and pay the sum of fifty dollars for each and every offense; any person who shall knowingly or falsely, and with the intent to deceive the public claim or pretend to have or hold a certificate of registration or of license granted by said board, or who shall falsely, and with the intent to deceive said board, claim or pretend to be a graduate or the holder of a diploma of graduation from any dental college, not being such graduate or rightfully holding or entitled to such diploma, shall forfeit and pay the sum of three hundred dollars; any person to whom a certificate of registration or of license shall be issued under the provisions of this act, and who shall practice dentistry under a false name, with intent to deceive the public, shall be liable to have such certificate revoked, upon twenty days' notice of such proposed revocation, and of the time and place of considering such revocation, by order of the said board; and any person who, after such revocation of his certificate, shall continue to practice dentistry in this state, shall forfeit and pay the sum of three hundred dollars; a certificate of registration or of license granted to a person under one name shall not be pleaded as a defense to an action brought against him for practicing without a certificate under another name; each and every separate act of dentistry performed by any person, in violation of any of the provisions of this act, shall be deemed and taken to be a distinct and separate offense.]

Penalty for non-compliance.

Old practitioners must register.

Penalty for non-compliance.

Penalty for pretenders.

Penalty for practicing under false name.

Certificate under one name shall not be a defense under another name.

Each act to be regarded as a separate offense.