

No person after April 1, 1938, may engage as a miner without a certificate.

Section 6. No person shall, after the first day of April, one thousand nine hundred and thirty-eight, engage as a miner, other than as an apprentice, in any bituminous coal mine in this Commonwealth without first having obtained a certificate of competency and qualification as provided for in this act, except as hereinbefore stated; nor shall any person, firm or corporation, or his or its agent, employ as a miner, other than as an apprentice, any person who does not hold such certificate, except as aforesaid. Any person, firm or corporation violating any of the provisions of this act, shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not less than twenty-five dollars and costs nor more than one hundred dollars and costs, and, in default of the payment of such fine and costs, be imprisoned in the county jail for a period of ten days.

Section 7. The sum of seventy thousand dollars (\$70,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Department of Mines for the purpose of carrying out the provisions of this act.

APPROVED—The 29th day of April, A. D. 1937.

GEORGE H. EARLE

No. 136

AN ACT

To amend the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, two hundred sixteen), entitled "An act relating to dentistry; defining and providing for the licensing and registration of dentists and dental hygienists, and for the revocation and suspension of such licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction; providing penalties; and repealing existing laws," by limiting the scope of practice as a dental hygienist; providing additional causes for the revocation and suspension of licenses and registrations; making appeals from actions of the board a supersedeas in the discretion of the court; making additional penal provisions; and further regulating the practice of dentistry and as dental hygienists.

The Dental Law.

Section 1. Be it enacted, &c., That section two, clause (i) of section three, and sections five, ten and eleven of the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, two hundred sixteen), entitled "An act relating to dentistry; defining and providing for the licensing and registration of dentists and dental hygienists, and for the revocation and suspension of such licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the State Dental Council and Ex-

aming Board and the Department of Public Instruction; providing penalties; and repealing existing laws," are hereby amended to read as follows:

Section 2. Definitions.—A person engages in the "Practice of Dentistry," within the meaning of this act, who diagnoses, treats, operates on, or prescribes for any disease, pain or injury, or regulates any deformity or physical condition, of the human teeth, jaws, or overlying tissues, or who fits, constructs, and inserts any artificial appliance, plate, or denture for the human teeth or jaws, or who holds himself or herself *out* as being able or legally authorized to do so. The term "Practice of Dentistry" does not include:

(a) The practice of any of the healing arts by duly licensed practitioners.

(b) The extracting of teeth or relieving pain by a licensed physician or surgeon in emergencies, or the making of applications for such purposes.

(c) The taking of X-ray pictures of the human teeth, jaws or adjacent structures.

(d) The calling into this Commonwealth, for consultation, of a duly licensed practitioner of dentistry of any other state or country with respect to any case under treatment or demonstrating before any duly authorized dental society in this Commonwealth.

(e) The practice of dentistry by bona fide students of dentistry in clinical departments and laboratories of approved dental colleges.

A "Dental Hygienist" is one who is legally licensed as such by the said dental council and examining board to remove tartar deposits, accretions, and stains from the exposed surfaces of the teeth and directly beneath the free margin of the gums, in the office of a dentist or any public or private institutions such as schools, hospitals, orphan asylums, and sanitoriums or State health cars, [but] *under the general supervision of a licensed and registered dentist, and not otherwise, and who does not perform any other operation or work on the teeth, jaws, gums or mouth whatever.*

The word "board," as used in this act, means the State Dental Council and Examining Board.

Section 3.

(i) To suspend and revoke, by majority action of the entire board, the license or registration of any licensee who has been guilty of a crime or misdemeanor involving moral turpitude; *or of a violation of any of the provisions of this act; or of fraudulent or unlawful practices, or fraudulent, misleading or deceptive representations; or of unprofessional conduct, detrimental or dangerous to the public health, safety, morals or welfare; or of wilful or gross malpractice or neglect; or of false, misleading or deceptive advertising as respects*

the skill of the operator, the quality of materials, drugs or medicines used, or methods practiced; or of employing or making use of solicitors or free public press agents, or of advertising by means of signs, posters, handbills, circulars, slides, motion pictures, radio, newspapers, magazines or other publications or advertising media— (1) professional superiority, (2) the performance of professional services in a superior manner, (3) the character or durability of his work, (4) to guarantee any dental service, (5) to perform any dental operation painlessly, (6) prices for professional services, (7) free dental work, or (8) free examinations, or (9) by display of a tooth, teeth, bridge work, or any portion of the human head, or (10) by means of large, glaring or conspicuous light or other signs: Provided, however, That the foregoing shall not prevent the use of signs containing the name of any licensee and the word dentist, or any abbreviation thereof; or of habitual intemperance, or who is addicted to the use of narcotic drugs, or is insane; and to reinstate licenses and registrations in any cases where a majority of the entire board shall determine the same to be just and proper.

Before a license revoked licensee or registrant must be given an opportunity to be heard.

Section 5. Hearing on Suspensions and Revocation of Licenses and Registrations; Appeals.—Before the license of any licensee or any registration is suspended or revoked by the board, a written copy of the complaint made shall be furnished to the licensee or registrant against whom the same is directed and an opportunity be afforded him or her to be heard before the board, personally and by counsel. At least ten days' written notice of the time and place of such hearing shall be given the licensee or registrant by registered mail addressed to the post office address as shown on the annual registration or other record or information in possession of the board.

Appeals from decisions of board to court of common pleas of Dauphin County.

Any person aggrieved by the action of the board in suspending or revoking a license or registration, or by any other action of the board which is alleged to be improper, unreasonable or unlawful, may appeal from such action of the board, in writing, to the court of common pleas of Dauphin County.

Appeals from suspensions and revocations of licenses and registrations must be taken within thirty days after such suspension or revocation, of which action immediate notice shall be given the licensee or registrant by registered mail addressed as above provided. In the case of appeals from other actions of the board, the appeal may be taken at any time by the person aggrieved by such action. No such appeal shall act as supersedeas except on special allowance of the court before which the appeal is pending.

Appeals shall be taken by serving upon the department written notice of such appeal, together with reasons for such appeal. Such service shall be made either by filing the said notice of appeal in the office of the department, or, in the event that a hearing has been had, by delivering the same to the deputy, whether general or special, before whom the hearing in the case was had.

Within thirty (30) days after the service of such notice of appeal, the department shall file with the prothonotary of the said court of common pleas a transcript of the records of the proceedings, if any, in its office, duly certified over the seal of the department, which record shall include all papers on file with the department affecting or relating to the inquiry or investigation, if any, conducted by the department, and all evidence taken in the hearing, if any, including the stenographic notes of testimony. Notice of the filing of the said transcript, with the term and number to which filed, shall be forthwith given by the department to the licensee or registrant and as well to the party or parties, if any, upon whose complaint the proceedings before the department were instituted. The cost of the said transcript, at twenty-five cents per folio, and one dollar for certification, shall be entered as part of the record costs in the cause, to be paid as the court may direct. In all proceedings upon such appeal, the Department of Justice shall appear for and represent the Commonwealth.

The court, upon application by the board or the appellant, shall fix a time and place for hearing, at which time, or at any adjournment thereof, the appeal shall be heard by the judge or judges of the court without a jury, by whom the proceedings before the department, if any, its findings and rulings, shall be given similar weight, force, and effect as are accorded to the findings and report of a referee selected or appointed under the provisions of the act, entitled "An act to provide for the submission of civil cases, by agreement of the parties, to a referee learned in the law," approved the fourteenth day of May, one thousand eight hundred and seventy-four, and its supplements. After hearing, the court may sustain, modify or reverse the action of the board as in its judgment the facts shall warrant.

Either party may appeal from the decision of the court of common pleas of Dauphin County to the Superior Court, but not later than thirty days after the entry of the decree by said court. Such appeals shall be taken and prosecuted in the same manner and with like effect as is provided by law in other cases of appeal to the Superior Court, and the records certified to the Superior Court shall contain all that was before the

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court of common pleas. The decree of the Superior Court shall be final and conclusive.

Penalties.

Section 10. Penalties.—It is unlawful for any person to practice dentistry, or to hold himself or herself out as a practitioner of or entitled or authorized to practice dentistry, or to assume any title of “dentist,” “dental surgeon,” or other letters or titles in connection with his or her name which in any way represent him or her as being engaged in the practice of dentistry or authorized so to do, unless he or she has been duly licensed, registered, and authorized to engage in such practice under the provisions of this act.

It is unlawful for any person to practice dentistry or as a dental hygienist under a name other than that on his or her license and annual registration, or to practice under the name on his or her license and annual registration with any addition thereto, except a purely technical appellation such as “Dentist,” “D. D. S.,” “Orthodontist” or other word or letters pertaining strictly to the practice of dentistry, or to induce any person to practice dentistry or as a dental hygienist in violation of this act.

It is unlawful for any person to sell, offer to sell or barter or exchange any diploma or document conferring or purporting to confer any dental degree or any license or registration certificate issued according to law regulating the licensing of dentists or dental hygienists, or to alter any such document with fraudulent intent, or to use it as a license or registration certificate to practice dentistry under an assumed name, or to make any false statement in an affidavit relating to or in an application for a license.

It is unlawful for any person to practice dentistry or as a dental hygienist unless his or her license and annual registration certificate are displayed [in his or her regularly established place of business] in the office in which he or she is practicing dentistry or as a dental hygienist.

It is unlawful for a person practicing dentistry to employ a dental hygienist as his or her assistant unless such assistant is licensed and registered as a dental hygienist as required by this act and the rules and regulations of the board.

It is unlawful for any dentist to permit any dental hygienist operating under his general supervision to perform any operation other than those included within practice as a “Dental Hygienist,” as defined by section two of this act.

It is unlawful for any dental hygienist to perform any of the operations included in practice as a “Dental Hygienist,” as defined by section two of this act, except under the general supervision of a licensed and registered dentist.*

* “supervisions” in the original.

Any person violating any of the provisions of this section, or any other provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, or to suffer imprisonment not exceeding six months, or both, in the discretion of the court.

Section 11. Right of Dentists to Practice as Dental Hygienists; [Rights of Dental Laboratories and Mechanics] *Dental Supplies*.—Nothing contained in this act shall be construed as prohibiting a duly licensed and registered dentist from performing the work of a dental hygienist. Nothing contained in this act shall be construed to prevent any [dental laboratory or dental mechanic] *person, copartnership, association or corporation* from manufacturing and furnishing to, or *repairing for*, licensed and registered dentists artificial teeth, crowns, bridges, prosthetic work, and regulating appliances, but it shall be unlawful and constitute the practice of dentistry for any [dental mechanic or person employed in a dental laboratory or for any other] person to fit, or attempt to fit, or to furnish to *or repair for* any other person artificial teeth, crowns, bridges, prosthetic work, or appliances.

Section 2. The provisions of this act are severable, and if any of its provisions are declared unconstitutional, the decision so holding shall not be construed as impairing any other provision of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein.

Constitutional provision.

APPROVED—The 30th day of April, A. D. 1937.

GEORGE H. EARLE

No. 137

AN ACT

To amend section one, section two, and section five of an act, approved the twenty-fifth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred and fifty-five), entitled "An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of, this Commonwealth; vesting certain powers and duties in the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof," further defining water obstructions; and enlarging the powers and duties of the Water and Power Resources Board by further providing for the regulation of any changes that in any manner diminish the course, current or cross section of any stream or body of water.

Section 1. Be it enacted, &c., That section one of the act, approved the twenty-fifth day of June, one thou-

Section 1, act of June 25, 1913 (P. L. 555), amended.