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DENTAL LABORATORY—PERSON OR ORGANIZATION—
VIOLATES PROVISIONS OF SECTION 4715.09 RC WHEN A
DENTURE OR BRIDGE IS SOLD OR DELIVERED TO ANY
PERSON OTHER THAN A LICENSED DENTIST—ADVERTIS-
ING—REPAIRING DENTURE OR BRIDGE.

SYLLABUS:

Where a dental laboratory, or any person or organization, as a result of its advertising, does, for a fee, salary or other reward, construct, supply, reproduce or repair any prosthetic denture or bridge, without an order or prescription from a licensed dentist for the specific operation of constructing, reproducing or repairing, and where such denture or bridge is sold or delivered to any person other than a licensed dentist, such dental laboratory, or person or organization, is acting in violation of Section 4715.09, Revised Code.

Columbus, Ohio, December 9, 1955

Hon. Hugh B. Smith, Secretary, Ohio State Dental Board
Columbus, Ohio

Dear Sir:

Your request for my opinion reads as follows:

"The ABC Dental Laboratory, not a corporation, began operations in Ohio and advertised in a magazine of some general circulation that it will; 'In just 8 hours—a new false plate made from your old one!' 'Let the Mid-West's leading dental laboratory make your old loose, cracked or chipped plate into a new lightweight, perfect-fitting plastic plate.' * * * 'No impression needed,' etc. etc.

"Mrs. X. responded by letter to one of these advertisements and expressed a desire to know more about the services and requested free details. In due time Mrs. X. received a package from the ABC Dental Laboratory containing a letter, advertising sheet, price list, order blank, and a strip of plastic material with instructions how to use it in the event the denture is loose. The order blank was filled out for a 'Renewed Upper Plate.' An old denture, not fabricated originally by the ABC Dental Laboratory, but presumably prepared by another dental laboratory under an order or prescription of a licensed dentist and from a cast or impression taken by a licensed dentist, was sent to the ABC Dental Laboratory along with the order and a check in full payment of the renewed plate. In due time Mrs. X. received by mail from the ABC Dental Laboratory a renewed or reproduced dental plate to which was affixed the teeth from the original dental plate, but all other material having a new appearance. At no time did Mrs. X. confer with a dentist about this or obtain from any dentist an order or prescription for this work.

"Section 4715.01, Revised Code of Ohio, specifies acts which constitute the practice of dentistry. Included in this section is the following wording:

" * * *, or who shall construct, supply reproduce, or repair any prosthetic denture, bridge, artificial restoration, appliance, or other structure to be used or worn as a substitute for natural teeth, except upon the order or prescription of a licensed dentist and constructed upon or by the use of casts or models made from an impression taken by a licensed dentist; or who shall advertise, offer, sell, or deliver any such substitute or the services rendered in the construction, repro-

duction, supply, or repair thereof to any person other than a licensed dentist, * * *.’

“The question, specifically, is this: Would the fact that the original order or prescription of a licensed dentist, or the casts or model (denture) made from an impression taken by a licensed dentist have application to the ‘renewed plate’ or reproduced denture fabricated by the ABC Dental Laboratory? In other words, does the advertising and the work performed, as indicated in the above statement of facts, constitute a violation of the statutes of Ohio on the part of the ABC Dental Laboratory.”

The following provision relative to the practice of dentistry is found in Section 4715.09, Ohio Revised Code:

“No person shall practice dentistry until he has obtained a license from the state dental board.”

The practice of Dentistry is defined in Section 4715.01, Ohio Revised Code, which reads in part as follows:

“Any person shall be regarded as practicing dentistry, who is a manager, proprietor, operator, or conductor of a place for performing dental operations or who, for a fee, salary, or other reward paid or to be paid either to himself or to another person, performs, or advertises to perform, dental operations of any kind, or who diagnoses or treats diseases or lesions of human teeth or jaws, or attempts to correct malpositions thereof, or who takes impressions of the human teeth or jaws, or who shall construct, supply, reproduce, or repair any prosthetic denture, bridge, artificial restoration, appliance, or other structure to be used or worn as a substitute for natural teeth, except upon the order or prescription of a licensed dentist and constructed upon or by the use of casts or models made from an impression taken by a licensed dentist, or who shall advertise, offer, sell, or deliver any such substitute or the services rendered in the construction, reproduction, supply, or repair thereof to any person other than a licensed dentist, or who places or adjusts such substitute in the oral cavity of another, or who uses the words ‘dentist,’ ‘dental surgeon,’ the letters ‘D. D. S.,’ or other letters or title in connection with his name, which in any way represents him as being engaged in the practice of dentistry. * * *”

Under the plain and unambiguous language of Section 4715.01, supra, it is apparent that the constructing, supplying, reproducing, or repairing of a denture or bridge, without the order or prescription of a licensed dentist, does constitute the practice of dentistry.

In the factual situation which you have presented, there is possibly some doubt as to whether the ABC Dental Laboratory is constructing or reproducing a new denture. However, under the facts you set forth in your letter, I believe there can be no question that there is a repairing of an old denture.

Although the old denture was originally ordered by a licensed dentist and originally prepared from an impression taken by a licensed dentist, this particular repair of the denture was not ordered or prescribed by a licensed dentist. The use of the word "repair" in Section 4715.01 indicates that the legislature was aware of the fact that there would be circumstances where it would be necessary that only certain repairs be done to an old denture rather than the construction of an entirely new denture or bridge. I think it is clear that it was the intent of the legislature that upon each separate occasion where a dental laboratory constructs, supplies, reproduces or repairs a denture or bridge there must be an order or prescription from a licensed dentist for that particular work.

In addition, I would again like to call your attention to Section 4715.01, which reads in part as follows:

" * * * or who shall advertise, offer, sell, or deliver any such substitute or the services rendered * * * to any person other than a licensed dentist. * * *"

In the facts you have set forth you state that all correspondence, orders and deliveries were between the ABC Dental Laboratory and Mrs. X. It is apparent that this is in direct violation of Section 4715.01 which requires that no denture or bridge shall be delivered to any person other than a licensed dentist.

Accordingly, in specific answer to your inquiry, it is my opinion that where a dental laboratory, or any person or organization, as a result of its advertising, does, for a fee, salary or other reward, construct, supply, reproduce or repair any prosthetic denture or bridge, without an order or prescription from a licensed dentist for the specific operation of constructing, reproducing or repairing, and where such denture or bridge is sold or delivered to any person other than a licensed dentist, such dental laboratory, or person or organization, is acting in violation of Section 4715.09, Ohio Revised Code.

Respectfully,

C. WILLIAM O'NEILL
Attorney General