

1520.

DENTIST—MAY OWN AND OPERATE ONE OR MORE OFFICES IN OWN NAME—LICENSE REVOCABLE WHERE DENTIST MANAGES DENTAL OFFICE OWNED AND CONDUCTED IN NAME OF ANOTHER DENTIST.

SYLLABUS:

1. *A dentist may own and operate one or more dental offices in his own name.*
2. *When a licensed dentist manages a dental office owned by a second dentist, which office is conducted in the name of the second dentist, such conduct is in violation of Sections 1329 and 1329-1 of the General Code. Such managing dentist, upon conviction thereof, may be penalized by a fine and revocation or suspension of his license pursuant to the provisions of Section 1329-1, General Code.*

COLUMBUS, OHIO, September 6, 1933.

Ohio State Dental Board, 1553½ N. Fourth Street, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your request for my opinion, which reads as follows:

“This office is in receipt of a communication in which the following question is asked:

‘I would also like to know if it is legal for a dentist to own more than one office in his name, providing of course, that he employs a registered dentist to manage the branch.’

Before attempting to answer the same, we respectfully submit the above question to you for your consideration and opinion.”

The practice of dentistry is defined in Section 1329, General Code, as follows:

“Any person shall be regarded as practicing dentistry, within the meaning of this act, 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 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.”

Section 1329-1, General Code, further limits the method of practice of dentistry, as follows:

“It shall be unlawful for any person or persons to practice or offer to practice dentistry or dental surgery, under the name of any company, association, or corporation, and any person or persons practicing or offering to practice dentistry or dental surgery shall do so under his name only; any person convicted of a violation of the provisions of this section shall be fined for the first offense not less than one hundred dollars, nor more than two hundred dollars, and upon a second conviction therefor,

his license may be suspended or revoked, as provided in section 1325 of this act (G. C. §§1314 et seq.)”

An examination of the statutes fails to disclose any statutory restriction as to the place in, or at which a dentist may practice his profession. I do not have before me a copy of the rules and regulations adopted by your board, and am expressing no opinion concerning their requirements. There appears to be no statute which would prevent the dentist from having more than one office.

A more serious question arises by reason of the contemplated practice of employing a licensed dentist to manage one of the offices; for under the provisions of Section 1329, supra, the manager is practicing, and by the provisions of Section 1329-1, supra, he is required to practice his profession in his own name, under penalty of fine and revocation of license.

You specifically inquire whether one dentist may own more than one dental office in his own name; I am assuming, for the purposes of this opinion, that you mean “own and operate” such office in his own name, for there appear to be no limitations of statute on the ownership of the office.

Specifically answering your inquiry, it is my opinion that:

1. A dentist may own and operate one or more dental offices in his own name.

2. When a licensed dentist manages a dental office owned by a second dentist, which office is conducted in the name of the second dentist, such conduct is in violation of Sections 1329 and 1329-1 of the General Code. Such managing dentist, upon conviction thereof, may be penalized by a fine and revocation or suspension of his license pursuant to the provisions of Section 1329-1, General Code.

Respectfully,

JOHN W. BRICKER,
Attorney General.

1521.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS
DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTOR—LUTHER
K. ZERBE.

COLUMBUS, OHIO, September 6, 1933.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval, a bond in the penal sum of \$5,000.00, with surety as indicated, to cover the faithful performance of the duties of the official as hereinafter listed:

Luther K. Zerbe—Resident District Deputy Director, Stark County—
The Central Surety and Insurance Corporation of Kansas City, Mo.

The above bond is undoubtedly executed pursuant to provisions of Sections 1183 and 1182-3, General Code. Such sections read, in so far as pertinent here, as follows: