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DENTAL STUDENT MAY RENDER DENTAL SERVICES IN HIS HOME PROVIDED THAT SUCH SERVICES ARE PART OF HIS COLLEGE COURSE AND UNDER SUPERVISION OF A REPUTABLE DENTAL COLLEGE—§§4715.01, 4715.09, 4715.33, R.C.

SYLLABUS:

Under Sections 4715.01, 4715.09, and 4715.33, Revised Code, a bona fide student of dentistry may render dental services in a private home provided such services are given as a part of his dental college course and are rendered under the supervision of a reputable dental college as part of the program of that college.

Columbus, Ohio, November 11, 1961

Donald E. Bowers, D.D.S.
Secretary, Ohio State Dental Board
Columbus 15, Ohio

Dear Sir:

I have your letter requesting an opinion as to whether a dental student may render dental services in a private home, said services to be with portable equipment and under dental school faculty supervision; such to be a part of his dental school training. It is understood for the purposes of this opinion that the rendering of such services would constitute the practice

of dentistry under the first paragraph of Section 4715.01, Revised Code, reading:

“Any person shall be regarded as practicing dentistry, who is a manager, proprietor, operator, or conductor of a place for performing dental operating 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 constructs, supplies, reproduces, or repairs any prosthetic denture, bridge, artificial restoration, appliance, or other structure to be used or worn in 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 advertises, offers, sells, or delivers 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 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.”

Division (A) of Section 4715.09, Revised Code, provides that no person shall practice dentistry until he has obtained a license from the state dental board. This provision does not, however, apply to a bona fide student of dentistry in the clinic rooms of a reputable dental college (Section 4715.33, Revised Code). Thus, the answer to the question at hand is dependent on the meaning of “clinic rooms of a reputable dental college.”

While it might be argued that “clinic rooms of a reputable dental college” refer only to rooms actually located at the college, it may equally be maintained that a clinic is not only a room under the roof of a college, but any room where students, under qualified instructors and experienced practitioners receive instruction and practical experience in the medical or an allied science. This conclusion is fortified by Webster’s Third International Dictionary, where the word “clinic” is defined as follows:

“Medical practice *at the sickbed*; physician *who attends bed-ridden patients*; a session or class of medical instruction in a hospital held *at the bedside of patients* serving as case studies; a group of selected patients before doctors (as at a convention) for purpose of instruction; an institution connected with a hospital

or medical school where diagnosis and treatment are made available to outpatients; a form of group practice in which several physicians (as specialists) work in cooperative association.”

(Emphasis added)

I might also note, that since the statutes here concerned were enacted for the protection and preservation of the public health they should be liberally construed for the accomplishment of their objectives. As stated in *Southerland*, *Statutory Construction*, Section 7202:

“* * * Since a very early time the courts have been committed to the doctrine of giving statutes which are enacted for the protection and preservation of public health an extremely liberal construction for the accomplishment of their objectives. * * *”

It is my understanding that the purpose of the home training for dental students is to instruct them in the treatment of the home bound, chronically ill patient; and such purpose is undoubtedly in the interests of the public health.

Further, I find no rule of the state dental board which would preclude the type of training here under consideration.

I am constrained to conclude, therefore, that the words “clinic rooms” as used in Section 4715.33, Revised Code, include places where dental students receive instruction and practical experience in dentistry, under dental school faculty supervision, even though such places are not located at the dental college.

Accordingly, it is my opinion and you are advised that under Sections 4715.01, 4715.09, and 4715.33, Revised Code, a bona fide student of dentistry may render dental services in a private home provided such services are given as a part of his dental college course and are rendered under the supervision of a reputable dental college as part of the program of that college.

Respectfully,

MARK McELROY

Attorney General