



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable R. T. Weber, President
State Board of Dental Examiners
1014 Norwood Building
Austin, Texas

Dear Sir:

Opinion No. 5-1905

Re: Offer to duplicate dentures
or plates for compensation
by unlicensed dentists is
a violation of Article 4551a,
Vernon's Annotated Civil
Statutes

We received your letter of January 27, 1940,
in which you call our attention to a letter previous-
ly written to this department by B. Carl Holder, Sec-
retary of the Texas State Board of Dental Examiners.
You advise us "that such alleged acts have occurred
and are being committed at the present time by the
party named in the . . . letter," and request our
opinion on the stated facts.

The letter written by Mr. B. Carl Holder
reads as follows:

"May this department, the Texas
State Board of Dental Examiners, have
the opinion and ruling of your depart-
ment on the matter of a Mr. Thornton
of Houston, Texas, who is about to
open a 'Public Dental Laboratory' in
which he professes to the public to re-
pair a plate or denture for a considera-
tion of money. Prices quoted.

Honorable R. T. Weber, page 2

"He has publicly displayed in show windows of his business an array of dentures or plates of all types of materials in which he proposes to duplicate the patients' old denture in one of the types that he has displayed for a consideration of money.

"No dentist who is licensed to practice dentistry in the State of Texas is connected or works in this establishment. Article 4551a of the Texas Dental laws defines persons as regarded in the practice of dentistry.

"This department requests your opinion: Is this man's, Mr. Thornton, business which he is about to enter upon in violation of Article 4551a and is this regarded as practicing dentistry as defined in Articles 4551a and b? Your opinion is respectfully requested."

Article 4551a, Vernon's Annotated Civil Statutes of Texas, reads in part as follows:

"Any person shall be regarded as practicing dentistry within the meaning of this chapter:

"Who shall offer or undertake . . . to diagnose . . . treat, operate or prescribe, by any means or method, for any disease, pain, injury, deficiency, deformity or physical condition of the human teeth, alveolar process, gums or jaws and charge therefor, directly or indirectly, money or other compensation."

Webster's International Dictionary, Second Edition, defines "alveolar process" as:

"The ridge, or raised thickened border, of the mandible and superior maxillary bones which contain the sockets of the teeth."

Honorable R. T. Weber, page 3

Article 752b, Vernon's Annotated Penal Code of Texas, provides among other things that:

"It shall be unlawful for any person, firm, or corporation to engage in or be guilty of any unprofessional conduct in the practice of dentistry, directly or indirectly. Any 'unprofessional conduct' as used herein, means and includes any one or more of the following acts, to-wit:

"(q) Advertising to the public any commercial dental laboratory or dental clinic."

It seems rather clear to us that Mr. Thornton is advertising to the public a commercial dental laboratory in violation of Article 752b (q), Vernon's Annotated Penal Code of Texas. The advertising of the doing of certain acts being an unprofessional conduct in the practice of dentistry, the doing of such acts would be the practice of dentistry. To duplicate, or offer to duplicate, a patient's old denture into a type of plate on display in a "public dental laboratory" for compensation is prescribing or designation of a remedy for the alveolar process and has been defined as a practice of dentistry by Article 4551a, Vernon's Annotated Civil Statutes of Texas.

In our opinion your question should be answered in the affirmative.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Hirschle Johnson*
Hirschle Johnson
Assistant

EJ:LF

APPROVED FEB 10, 1940

George Mann
ATTORNEY GENERAL OF TEXAS

O.K.
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APPROVED
OPINION
COMMITTEE
BY *RWT*
CHAIRMAN