



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Texas State Board of Dental Examiners
311 Norwood Building
Austin, Texas

Gentlemen:

Attention - Mr. Carl C. Hardin, Jr.

Opinion No. 0-5592

Re: Construction of the Acts of
the Legislature, 1943, affecting
the practice of denistry.

Your letter of August 31, 1943, requesting our construction of the Acts of the 48th Legislature, relating to the practice of denistry in Texas, has been given our careful consideration.

Without attempting to answer the numerous questions which you have propounded, we give you our construction of the Act as passed in 1943, and feel sure you can then prepare such instructions and regulations concerning the matters inquired about as needed, without further assistance from us.

We will not attempt to answer each of your inquiries separately, but give you our construction of the amendment to the Act of the 48th Legislature affecting the practice of denistry, as contained in Senate Bill 278, page 576, Acts of the Regular Session of the 48th Legislature.

Section 1 of Article 4550a, as amended, provided that each dentist shall be registered with the State Board of Dental Examiners on or before March 1st of each calendar year, and pay a registration fee of \$5.00. It is our construction of this portion of the Act that the annual fee means for the calendar year beginning with March 1st of each year, and that a \$5.00 fee is required of each dentist for each year, and same is due to be paid on or before

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the first day of each successive March. Unless paid by that time, then before his license is reinstated by the Dental Board, he is required to pay an additional \$5.00, plus his delinquent annual payment.

If a dentist is now delinquent for his 1943 dues, or was delinquent on May 15th, when the new law took effect, before he can have his license renewed, he must pay the annual dues of \$5.00, plus the \$5.00 penalty, and the new license or registration would expire on March 1, 1944, at which time another annual dues will be payable.

If a dentist becomes delinquent because he did not pay his dues by March 1, 1944, before he can be reinstated, he must pay his \$5.00 dues for 1944, plus a \$5.00 penalty, and the registration certificate given upon said restoration would expire on March 1, 1945.

With reference to the dentists who are in the Armed Forces, the last sentence of Section 2, of Article 4550a reads:

"Provided, however, that the requirements governing the payment of annual registration fees and penalties for late registration shall not apply to licensees who are on active duty with the Armed Forces of the United States of America and are not engaged in private or civilian practice."

Our interpretation of this exemption is that if a dentist stands the examination before the Board and obtains his license while he is in the Armed Forces, or having previously obtained his license and is in the Armed Forces, he will not owe any dues before March 1, 1944. If, on March 1, 1944, he is still in said service, he will not be required to pay any of the annual dues for the year ending March 1, 1945. If, however, he is not in the Armed Forces prior to March 1, 1944, he will owe the \$5.00 dues for the year, beginning at that time, and will become delinquent on March 1, 1944, although he may enter the service on March 2d, or at any time thereafter. If, as a matter of fact, he is delinquent at the time he goes into the service, then when he comes out, before he can have his license reinstated, he will be compelled to pay all of his

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dues that were in arrears that became due before he entered the service, together with all the penalties that attached before he entered the service.

There is no specific provision in the statute as to how the Board may know or determine whether a dentist is in the service of the Armed Forces. It would be entirely proper, and we think the best way to ascertain these facts, to have each dentist who goes into the Armed Forces notify the Board of said fact, and send such information relative thereto, as the Board might need in determining the truthfulness of the dentist's representations. If, as a matter of fact, a dentist is in the Armed Forces on or before March 1st of any year, and remains until after March 1st of said year, he cannot be made to pay the \$5.00 registration fee for said year, neither can he be made to pay the \$5.00 penalty for having failed to register.

We trust that what we have said sufficiently answers your inquiry. If there is any further information desired, let us know.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Geo. W. Barcus

Geo. W. Barcus
Assistant

GWB-xR

APPROVED OCT 14, 1943

Gerald C. Mann

