

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1678 Session of
1985

INTRODUCED BY MURPHY, LLOYD, MILLER, RIEGER AND BOYES,
SEPTEMBER 19, 1985

AS AMENDED ON THIRD CONSIDERATION, IN SENATE,
DECEMBER 11, 1985

AN ACT

1 Amending the act of May 1, 1933 (P.L.216, No.76), entitled "An
2 act relating to dentistry; defining and providing for the
3 licensing and registration of dentists and dental hygienists,
4 and for the revocation and suspension of such licenses and
5 registrations, subject to appeal, and for their
6 reinstatement; defining the powers and duties of the State
7 Dental Council and Examining Board and the Department of
8 Public Instruction; providing penalties; and repealing
9 existing laws," reestablishing the State Dental Council and
10 Examining Board; providing for its composition, powers and
11 duties; and making repeals.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 2 of the act of May 1, 1933 (P.L.216,
15 No.76), known as The Dental Law, is amended by adding
16 definitions to read:

17 Section 2. Definitions.--* * *

18 "General Anesthesia" is a controlled state of depressed <—
19 consciousness UNCONSCIOUSNESS, including deep sedation, or <—
20 unconsciousness accompanied by the partial or complete loss of
21 PROTECTIVE reflexes which retains the patient's ability INCLUDES <—

1 THE PATIENT'S INABILITY to independently maintain an airway and
2 respond purposefully to physical stimulation or verbal command,
3 produced by a pharmacologic or nonpharmacologic method, or
4 combination thereof.

5 "Analgesia" means the diminution or elimination of pain in
6 the conscious patient.

7 "Conscious Sedation" means a minimally depressed level of
8 consciousness which retains the patient's ability to
9 independently and continuously maintain an airway and respond
10 appropriately to physical stimulation or verbal command,
11 produced by a pharmacologic or nonpharmacologic method, or
12 combination thereof.

13 "Foreign dental schools" means the dental schools which have
14 not been approved by the Commission on Accreditation of the
15 American Dental Association, and which are located in countries
16 other than the United States or Canada.

17 Section 2. The act is amended by adding a section to read:

18 ~~Section 2.1. State Dental Council and Examining Board. (a)~~ <—
19 ~~The State Dental Council and Examining Board~~ STATE BOARD OF <—
20 DENTISTRY.--(A) THE STATE BOARD OF DENTISTRY shall consist of
21 the Secretary of Health, or his designee, the Director of the
22 Bureau of Consumer Protection in the Office of the Attorney
23 General, or his designee, the Commissioner of Professional and
24 Occupational Affairs and ten additional members, who shall be
25 appointed by the Governor with the advice and consent of a
26 majority of the members elected to the Senate. Two members shall
27 represent the public at large. Seven members shall have been
28 licensed and engaged in the actual practice of dentistry in this
29 Commonwealth during a period of not less than ten years
30 immediately preceding their appointment. One member shall be a

1 dental hygienist licensed to practice dental hygiene in this
2 Commonwealth and shall have been engaged in the practice of
3 dental hygiene for a period of at least three years immediately
4 preceding appointment.

5 (b) The term of office of each professional and public
6 member shall be six years from his appointment or until his
7 successor has been duly appointed and qualified according to
8 law, but no longer than six months beyond the six-year period.
9 No member may serve more than two consecutive terms. In the
10 event that any member should die or resign OR OTHERWISE BECOMES <—
11 BECOME DISQUALIFIED during his term of office, his successor
12 shall be appointed in the same way and with the same
13 qualifications as set forth in subsection (a) and shall hold
14 office for the unexpired term.

15 ~~(c) Seven members of the board shall constitute a quorum.~~ <—
16 ~~The board shall annually select, from among its members, a~~

17 (C) A MAJORITY OF THE MEMBERS OF THE BOARD SERVING IN <—
18 ACCORDANCE WITH LAW SHALL CONSTITUTE A QUORUM FOR PURPOSES OF
19 CONDUCTING THE BUSINESS OF THE BOARD. EXCEPT FOR TEMPORARY AND
20 AUTOMATIC SUSPENSIONS UNDER SECTIONS 4.1 AND 5.1, A MEMBER MAY
21 NOT BE COUNTED AS PART OF A QUORUM OR VOTE ON ANY ISSUE UNLESS
22 HE OR SHE IS PHYSICALLY IN ATTENDANCE AT THE MEETING.

23 (D) THE BOARD SHALL ANNUALLY SELECT, FROM AMONG ITS MEMBERS,
24 A chairman and a secretary.

25 ~~(d)~~ (E) Each member of the board, other than the Secretary <—
26 of Health, or his designee, the Director of the Bureau of
27 Consumer Protection, or his designee, and the Commissioner of
28 Professional and Occupational Affairs, shall receive
29 ~~reimbursement for reasonable traveling, lodging and other~~ <—
30 ~~necessary expenses and per diem compensation at the rate of~~

~~sixty dollars (\$60) for each day of actual service while on
board business.~~ SIXTY DOLLARS (\$60) PER DIEM WHEN ACTUALLY
ATTENDING TO THE WORK OF THE BOARD. MEMBERS SHALL ALSO RECEIVE
THE AMOUNT OF REASONABLE TRAVELING, HOTEL AND OTHER NECESSARY
EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES IN
ACCORDANCE WITH COMMONWEALTH REGULATIONS.

~~(e)~~ (F) A member who fails to attend three consecutive
meetings shall forfeit his seat unless the Commissioner of
Professional and Occupational Affairs, upon written request from
the member, finds that the member should be excused from a
meeting because of illness or the death of an immediate family
member.

(G) THE BOARD IS SUBJECT TO EVALUATION, REVIEW AND
TERMINATION IN THE MANNER PROVIDED IN THE ACT OF DECEMBER 22,
1981 (P.L.508, NO.142), KNOWN AS THE SUNSET ACT.

(H) A PUBLIC MEMBER WHO FAILS TO ATTEND TWO CONSECUTIVE
STATUTORILY MANDATED TRAINING SEMINARS IN ACCORDANCE WITH
SECTION 813(E) OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175),
KNOWN AS "THE ADMINISTRATIVE CODE OF 1929," SHALL FORFEIT HIS OR
HER SEAT UNLESS THE COMMISSIONER OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS, UPON WRITTEN REQUEST FROM THE PUBLIC
MEMBER, FINDS THAT THE PUBLIC MEMBER SHOULD BE EXCUSED FROM A
MEETING BECAUSE OF ILLNESS OR THE DEATH OF A FAMILY MEMBER.

Section 3. Section 3 of the act, amended April 30, 1937
(P.L.554, No.136), December 15, 1959 (P.L.1753, No.656),
November 26, 1982 (P.L.753, No.208) and May 2, 1985 (P.L.18,
No.8), is amended to read:

Section 3. General Powers of the [State Dental Council and
Examining Board.--The State Dental Council and Examining Board]
STATE BOARD OF DENTISTRY (hereinafter called the board),

1 [created, appointed, and organized in accordance with the
2 provisions of the Administrative Code, and its amendments, shall
3 have power] shall have the following powers and duties:

4 (a) To establish and alter, from time to time, the standards
5 of preliminary and professional education and the training
6 required for licensure to practice dentistry and as dental
7 hygienists.

8 (b) To investigate and determine the acceptability and to
9 approve and disapprove institutions and colleges of this State
10 and of other states and countries for the education of students
11 desiring to be licensed to practice dentistry or as dental
12 hygienists, and to revoke approvals where such institutions and
13 colleges no longer are deemed proper.

14 (c) To provide for and to regulate the licensing, and to
15 license to practice dentistry, after examination, any duly
16 qualified applicant, at least twenty-one years of age, of good
17 moral character, not addicted to the use of intoxicating liquor
18 or narcotic drugs, who has obtained the required education,
19 together with a diploma from an approved institution or college
20 conferring upon him or her the degree of doctor of dental
21 surgery or other established dental degree.[, unless he has been <—
22 convicted of a felonious act prohibited by the act of April 14,
23 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug,
24 Device and Cosmetic Act," or convicted of a felony relating to a
25 controlled substance in a court of law of the United States or
26 any other state, territory or country. An applicant's statement
27 on the application declaring the absence of a conviction shall
28 be deemed satisfactory evidence of the absence of a conviction,
29 unless the board has some evidence to the contrary.] THE BOARD <—
30 SHALL NOT ISSUE A LICENSE TO AN APPLICANT WHO HAS BEEN CONVICTED

1 OF A FELONY UNDER THE ACT OF APRIL 14, 1972 (P.L.233, NO.64),
2 KNOWN AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC
3 ACT," OR OF AN OFFENSE UNDER THE LAWS OF ANOTHER JURISDICTION
4 WHICH IF COMMITTED IN THIS COMMONWEALTH WOULD BE A FELONY UNDER
5 "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT,"
6 UNLESS: (1) AT LEAST TEN (10) YEARS HAVE ELAPSED FROM THE DATE
7 OF CONVICTION, (2) THE APPLICANT SATISFACTORILY DEMONSTRATES TO
8 THE BOARD THAT HE HAS MADE SIGNIFICANT PROGRESS IN PERSONAL
9 REHABILITATION SINCE THE CONVICTION SUCH THAT LICENSURE OF THE
10 APPLICANT SHOULD NOT BE EXPECTED TO CREATE A SUBSTANTIAL RISK OF
11 HARM TO THE HEALTH AND SAFETY OF HIS PATIENTS OR THE PUBLIC OR A
12 SUBSTANTIAL RISK OF FURTHER CRIMINAL VIOLATIONS, AND (3) THE
13 APPLICANT OTHERWISE SATISFIES THE QUALIFICATIONS CONTAINED IN OR
14 AUTHORIZED BY THIS ACT.

15 AS USED IN THIS SECTION, THE TERM "CONVICTED" SHALL INCLUDE A
16 JUDGMENT, AN ADMISSION OF GUILT OR A PLEA OF NOLO CONTENDERE.

17 (d) To provide for and to regulate the licensing, and to
18 license as a dental hygienist, after examination, any duly
19 qualified person, not less than eighteen years of age, of good
20 moral character, not addicted to the use of intoxicating liquor
21 or narcotic drugs, who has obtained the required education,
22 together with a certificate or diploma from an approved
23 institution or college for the training of dental hygienists[,
24 or who in lieu of such education and certificate or diploma from
25 an approved institution or college for the training of dental
26 hygienists, has had fifteen (15) or more years experience in the
27 practice of dental hygiene, and who complies with all other
28 requirements of law and submits an application for a license to
29 practice dental hygiene on or before the thirty-first day of
30 December, one thousand nine hundred forty-seven]. THE BOARD

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1 SHALL, CONSISTENT WITH THIS ACT, ADOPT REGULATIONS PROVIDING FOR
2 THE GENERAL SUPERVISION AND PRACTICE OF DENTAL HYGIENISTS UNDER
3 THIS ACT.

4 (e) To prescribe the subjects, character, manner, time and
5 place of examinations and the filing of applications for
6 examinations, and to conduct and provide for the conduct of the
7 examinations in accordance with section 812.1 of the act of
8 April 9, 1929 (P.L.177, No.175), known as "The Administrative
9 Code of 1929"; to make written reports of such examinations,
10 which reports shall be preserved in the Department of [Public
11 Instruction] State for a period of not less than five years; to
12 collect such fees for such examinations as may be fixed
13 according to [law] regulation; and to issue licenses to such
14 applicants as successfully pass such examination.

15 (f) To accept and endorse, as valid in this Commonwealth,
16 licenses to practice dentistry or as dental hygienists issued by
17 [other states and countries] another state or territory or by
18 Canada, and to accept as properly qualified any applicant who
19 has been examined and certified by the National Dental Examining
20 Board, upon the payment of such fees as prescribed according to
21 law for applicants in this State: Provided, That the standards
22 of such other state [and country], territory or of Canada or of
23 such national board are, in the opinion of the board, equal to
24 the standards of this Commonwealth: And provided further, That
25 such other state [and country], territory or Canada shall
26 recognize and endorse, as valid in such state [or country] or
27 territory or in Canada, licenses issued by this Commonwealth.

28 (g) To prescribe the professional title or other designation
29 which any person licensed under this act may use in connection
30 with his or her name in the practice of dentistry or as a dental

1 hygienist, to regulate the use of the same, and to prosecute
2 those who illegally use the same.

3 (h) To investigate and conduct hearings, either before the
4 membership of the board or committees thereof, and to discipline
5 and prosecute those guilty of illegal practices.

6 (i) To suspend [and revoke, by majority action of the entire
7 board, the license or registration of any licensee who has been
8 guilty of a crime or misdemeanor involving moral turpitude; or
9 of a violation of any of the provisions of this act; or of
10 fraudulent or unlawful practices, or fraudulent, misleading or
11 deceptive representations; or of unprofessional conduct,
12 detrimental or dangerous to the public health, safety, morals or
13 welfare; or of wilful or gross malpractice or neglect; or of
14 false, misleading or deceptive advertising as respects the skill
15 of the operator, the quality of materials, drugs or medicines
16 used, or methods practiced; or of employing or making use of
17 solicitors or free public press agents, or of advertising by
18 means of signs, posters, handbills, circulars, slides, motion
19 pictures, radio, newspapers, magazines or other publications or
20 advertising media--(1) professional superiority, (2) the
21 performance of professional services in a superior manner, (3)
22 the character or durability of his work, (4) to guarantee any
23 dental service, (5) to perform any dental operation painlessly,
24 (6) prices for professional services, (7) free dental work, or
25 (8) free examinations, or (9) by display of a tooth, teeth,
26 bridge work, or any portion of the human head, or (10) by means
27 of large, glaring or conspicuous light or other signs: Provided,
28 however, That the foregoing shall not prevent the use of signs
29 containing the name of any licensee and the word dentist, or any
30 abbreviation thereof; or of habitual intemperance, or who is

1 addicted to the use of narcotic drugs, or is insane; and to
2 reinstate licenses and registrations in any cases where a
3 majority of the entire board shall determine the same to be just
4 and proper.], revoke or refuse to grant licenses as further
5 provided for in section 4.1.

6 (j) To provide for, regulate, and require biennial renewals
7 of all persons licensed in accordance with the provisions of
8 this act [to register biennially with the board]; to prescribe
9 the form of such [registrations] license renewals; to require,
10 as a condition precedent to such biennial [registration]
11 renewal, the payment of such biennial [registration] renewal fee
12 as shall be fixed [according to law] by regulation of the board;
13 to issue biennial [registration certificates] renewals to such
14 persons; and to suspend or revoke the license [or registration]
15 of such persons as fail, refuse or neglect to [register] renew
16 biennially, or pay such fee. [The Department of Public
17 Instruction shall be required to publish biennially a list of
18 the persons registered for that particular biennium.]

19 (k) To keep a record[, and it shall be the duty of the board
20 so to do,] of all licenses [and registrations issued and all
21 registrations made with the board] and biennial renewals, and to
22 prescribe the form of such record.

23 (l) To submit biennially to the Department of [Public
24 Instruction] State an estimate of the financial requirements of
25 the board for administrative, investigative, legal, and
26 miscellaneous expenses.

27 (m) To administer and enforce the laws of the Commonwealth
28 relating to the practice of dentistry and dental hygienists, and
29 to instruct and require its agents to bring prosecutions for
30 unauthorized and unlawful practices.

(n) To keep minutes and records of all its transactions and proceedings.

(o) To adopt, promulgate, and enforce such rules and regulations as may be deemed necessary by the board and proper to carry into effect the powers hereby conferred.

(p) To hold at least four meetings a year for the conduct of its business upon giving public notice of such meetings in the manner provided by law.

(q) To submit annually to the Appropriation Committees of the House of Representatives and the Senate, fifteen days after the Governor has submitted his budget to the General Assembly, a copy of the budget request for the upcoming fiscal year which the board previously submitted to the Department of State.

(r) To submit annually a report to the Professional Licensure Committee of the House of Representatives and to the Consumer Protection and Professional Licensure Committee of the Senate a description of the types of complaints received, status of cases, board action which has been taken and the length of time from the initial complaint to final board resolution.

(s) To provide for the licensing of graduates of foreign dental schools in accordance with section 6.2.

(t) To purchase ~~notice~~ AND PUBLISH, OTHER THAN IN THE LEGAL SECTION, in a newspaper of general circulation in the area where the disciplined dentist conducts or recently conducted his ~~practice of all~~ OR HER PRACTICE, NOTICE OF ALL FINAL disciplinary decisions which impose discipline amounting to more than a reprimand. THE BOARD SHALL NOT BE REQUIRED TO COMPLY WITH THE PROVISIONS OF THIS SUBSECTION IN THOSE CASES IN WHICH THE BOARD PLACES A DENTIST IN A PROBATIONARY PROGRAM FOR DRUG OR ALCOHOL ABUSE, OR WHERE IN THE BOARD'S OPINION, PUBLICATION OF

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THE DISCIPLINARY DECISION WOULD BE DETRIMENTAL TO THE LICENSEE'S
REHABILITATION AND RECOVERY.

Section 4. Section 4 of the act, amended December 15, 1959 (P.L.1753, No.656), is amended to read:

Section 4. Fees.--(a) The fee for an applicant for examination and licensure to practice dentistry or as a dental hygienist in this Commonwealth shall be fixed by the [Department of Public Instruction in accordance with existing law] board by regulation. It shall be the duty of all persons now qualified and engaged in the practice of dentistry and dental hygiene, or who shall hereafter be licensed by the board, to [register] renew biennially with said board, and pay for each such biennial [registration] renewal a fee which shall be [ten dollars (\$10) for persons engaged in the practice of dentistry and four dollars (\$4) for persons engaged in the practice of dental hygiene] fixed by the board by regulation.

(b) All fees required pursuant to this act shall be fixed by the board by regulation and shall be subject to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act." If the revenues raised by fees, fines and civil penalties imposed pursuant to this act are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures.

(c) If the Bureau of Professional and Occupational Affairs determines that the fees established by the board are inadequate to meet the minimum enforcement efforts required by this act, then the bureau, after consultation with the board and subject to the "Regulatory Review Act," shall increase the fees by regulation in an amount that adequate revenues are raised to

1 meet the required enforcement effort.

2 (d) All fees and fines, FINES AND PENALTIES collected under <—
3 the provisions of this act shall be paid into the Professional
4 Licensure Augmentation Account established pursuant to and for
5 use in accordance with the act of July 1, 1978 (P.L.700,
6 No.124), known as the "Bureau of Professional and Occupational
7 Affairs Fee Act."

8 Section 5. The act is amended by adding a section to read:

9 Section 4.1. Reason for Refusal, Revocation or Suspension of
10 License.--(a) The board shall have authority, by majority
11 action, to refuse, revoke or suspend the license of any dentist
12 or dental hygienist for any or all of the following reasons:

13 (1) Failing to demonstrate the qualifications or standards
14 for a license contained in this act or regulations of the board.

15 (2) Making misleading, deceptive, untrue or fraudulent
16 representations.

17 (3) Practicing fraud or deceit in obtaining a license to
18 practice dentistry or dental hygiene, or making a false or
19 deceptive biennial renewal with the board.

20 (4) Having been found guilty of a crime or misdemeanor
21 involving moral turpitude or having been found guilty of a
22 felony in violation of the laws of this Commonwealth or any
23 other state, territory or country. For purposes of this clause
24 (4), the phrase "having been found guilty" shall include a
25 finding or verdict of guilt, an admission of guilt or a plea of
26 nolo contendere.

27 (5) Having a license to practice dentistry or dental hygiene
28 revoked, suspended or having other disciplinary action imposed
29 or consented to by the proper licensing authority of another
30 state, territory or country or his application for license

refused, revoked or suspended by the proper licensing authority of another state, territory or country.

(6) Violating any of the provisions of this act or of a lawful regulation promulgated by the board, or violating a lawful order of the board previously entered by the board in a disciplinary proceeding.

(7) Knowingly maintaining a professional connection or association with any person who is in violation of this act or regulations of the board or knowingly aiding, assisting, procuring or advising any unlicensed person to practice dentistry or dental hygiene contrary to this act or regulations of the board.

(8) Engaging in unprofessional conduct. For purposes of this clause (8), unprofessional conduct shall include any departure from, or failure to conform to, the standards of acceptable and prevailing dental or dental hygiene practice in which proceeding actual injury to the patient need not be established.

(9) Committing an act of gross negligence, malpractice or incompetence or repeated acts of negligence, malpractice or incompetence.

(10) Engaging in false, misleading or deceptive advertising.

(11) Being unable to practice dentistry or as a dental hygienist with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of controlled substances, chemicals or any other type of material, or as the result of any mental or physical condition. In enforcing this clause (11), the board shall, upon probable cause, have authority to compel a dentist or dental hygienist to submit to a mental or physical examination by physicians designated by the board. Failure of a dentist or dental hygienist to submit to such examination when

directed by the board, unless such failure is due to
circumstances beyond his control, shall constitute an admission
of the allegations against him, consequent upon which a default
and final order may be entered without the taking of testimony
or presentation of evidence. A dentist or dental hygienist
affected under this clause (11) shall, at reasonable intervals,
be afforded an opportunity to demonstrate that he or she can
resume a competent practice of dentistry or dental hygiene with
reasonable skill and safety to patients.

(b) When the board finds that the license of any person may
be refused, revoked or suspended under the terms of this
section, the board may:

(1) Deny the application for license.

(2) Administer a public reprimand.

(3) Revoke, suspend, limit or otherwise restrict a license
as determined by the board. Unless ordered to do so by a court,
the board shall not reinstate the license of a person to
practice dentistry, or as a dental hygienist, which has been
revoked, and such person shall be required to apply for a
license after a five-year period in accordance with section 3,
if he or she desires to practice at any time after such

revocation. ANY PERSON WHOSE LICENSE HAS BEEN SUSPENDED OR
REVOKED BECAUSE OF A FELONY CONVICTION UNDER THE ACT OF APRIL
14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED SUBSTANCE,
DRUG, DEVICE AND COSMETIC ACT," OR SIMILAR LAW OF ANOTHER
JURISDICTION, MAY APPLY FOR REINSTATEMENT AFTER A PERIOD OF AT
LEAST TEN (10) YEARS HAS ELAPSED FROM THE DATE OF CONVICTION.
THE BOARD MAY REINSTATE THE LICENSE IF THE BOARD IS SATISFIED
THAT THE PERSON HAS MADE SIGNIFICANT PROGRESS IN PERSONAL
REHABILITATION SINCE THE CONVICTION SUCH THAT HIS REINSTATEMENT

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1 SHOULD NOT BE EXPECTED TO CREATE A SUBSTANTIAL RISK OF HARM TO
2 THE HEALTH AND SAFETY OF HIS PATIENTS OR THE PUBLIC OR A
3 SUBSTANTIAL RISK OF FURTHER CRIMINAL VIOLATIONS AND IF THE
4 PERSON MEETS ALL OTHER LICENSING QUALIFICATIONS OF THIS ACT, <—
5 INCLUDING THE EXAMINATION REQUIREMENT.

6 (4) Require a licensee to submit to the care, counseling or
7 treatment of a physician or psychologist designated by the
8 board.

9 (5) Require that a licensee successfully complete a course
10 of educational training and testing as directed by the board.

11 (6) Restore or reissue, in its discretion, a license to
12 practice dentistry or dental hygiene and impose any disciplinary
13 or corrective measures which it might originally have imposed.

14 (7) Suspend enforcement of its findings thereof and place a
15 licensee on probation with the right to vacate the probationary
16 order for noncompliance.

17 (8) Order any person found to have violated any provision of
18 this act or the regulations governing the practice of dentistry
19 to restore to any patient aggrieved by an unlawful act or
20 practice, any moneys or property, real or personal, acquired by
21 means of such act or practice, provided the board shall not
22 order restitution in a dollar amount greater than those moneys
23 received by the licensee or his agent.

24 (c) All actions of the board shall be taken subject to the
25 right of notice, hearing and adjudication and the right of
26 appeal therefrom in accordance with Title 2 of the Pennsylvania
27 Consolidated Statutes (relating to administrative law and
28 procedure).

29 (d) The board shall temporarily suspend a license under
30 circumstances as determined by the board to be an immediate and

1 clear danger to the public health or safety. The board shall
2 issue an order to that effect without a hearing, but upon due
3 notice to the licensee concerned at his last known address,
4 which shall include a written statement of all allegations
5 against the licensee. The provisions of subsection (c) shall not
6 apply to temporary suspension. The board shall thereupon
7 commence formal action to suspend, revoke and OR restrict the <—
8 license of the person concerned as otherwise provided for in
9 this act. All actions shall be taken promptly and without delay.
10 Within thirty days following the issuance of an order
11 temporarily suspending a license, the board shall conduct, or
12 cause to be conducted, a preliminary hearing to determine that
13 there is a prima facie case supporting the suspension. The
14 licensee whose license has been temporarily suspended may be
15 present at the preliminary hearing and may be represented by
16 counsel, cross-examine witnesses, inspect physical evidence,
17 call witnesses, offer evidence and testimony and make a record
18 of the proceedings. If it is determined that there is not a
19 prima facie case, the suspended license shall be immediately
20 restored. The temporary suspension shall remain in effect until
21 vacated by the board, but in no event longer than one hundred
22 eighty days.

23 (E) THE BOARD SHALL REQUIRE A PERSON WHOSE LICENSE HAS BEEN <—
24 SUSPENDED OR REVOKED TO RETURN THE LICENSE IN SUCH MANNER AS THE
25 BOARD DIRECTS. FAILURE TO DO SO SHALL BE A MISDEMEANOR OF THE
26 THIRD DEGREE.

27 Section 6. Section 6 of the act is amended to read:

28 Section 6. Records to Be Public and Be Received in
29 Evidence.--The records of the board shall be public and open to
30 inspection during business hours. [Copies thereof, duly

1 certified by the Superintendent of Public Instruction or any of
2 his deputies, shall be received in evidence in all courts and
3 elsewhere.] In all actions or proceedings in any court, a
4 transcript of any board record or any part thereof, which is
5 certified to be a true copy by the board, shall be entitled to
6 admission in evidence.

7 Section 7. The act is amended by adding sections to read:

8 Section 6.1. Investigative Subpoenas.--The board shall have
9 the authority to issue subpoenas upon application of an attorney
10 responsible for representing disciplinary matters before the
11 board for the purpose of investigating alleged violations of the
12 disciplinary provisions administered by the board. Dental
13 records may not be subpoenaed without consent of the patient or
14 without order of a court of competent jurisdiction on a showing
15 that the records are reasonably necessary for the conduct of the
16 investigation. The court may impose such limitations on the
17 scope of the subpoenas as are necessary to prevent unnecessary
18 intrusion in INTO patient confidential information. The board is <—
19 authorized to apply to the Commonwealth Court to enforce its
20 subpoenas.

21 Section 6.2. Licensing of Graduates of Foreign Dental
22 Schools.--(a) An Advisory Committee TO SERVE ONE SIX-MONTH TERM <—
23 FROM THE EFFECTIVE DATE OF THIS SECTION, appointed by the board,
24 consisting of three faculty members from dental schools
25 accredited in this Commonwealth, shall be charged with the
26 responsibility of consulting with the aforesaid schools in order
27 to develop programs and standards for graduates of foreign
28 dental schools to qualify for licensure. The committee shall
29 make recommendations and report to the board. The board shall
30 report to the House Professional Licensure Committee and the

Senate Committee on Consumer Protection and Professional
Licensure, within six months of the effective date of this act,
on the status and progress of this Advisory Committee.

THEREAFTER, THE BOARD SHALL ANNUALLY REPORT TO THE HOUSE
PROFESSIONAL LICENSURE COMMITTEE AND THE SENATE COMMITTEE ON
CONSUMER PROTECTION AND PROFESSIONAL LICENSURE ON PROGRAMS AND
STANDARDS FOR GRADUATES OF FOREIGN DENTAL SCHOOLS. THE ADVISORY
COMMITTEE MEMBERS SHALL BE COMPENSATED AT THE RATE OF SIXTY
DOLLARS (\$60) PER DIEM WHEN ACTUALLY ATTENDING TO THE WORK OF
THE BOARD AND SHALL ALSO RECEIVE THE AMOUNT OF REASONABLE
TRAVELING, HOTEL AND OTHER NECESSARY EXPENSES INCURRED IN THE
PERFORMANCE OF THEIR DUTIES IN ACCORDANCE WITH COMMONWEALTH
REGULATIONS.

(b) It is the intent of the General Assembly that the
provisions of this section be construed liberally in order to
ensure the establishment of viable and accessible programs
through which graduates of foreign dental schools may obtain
such further preclinical and clinical training as shall lead to
the awarding of the D.M.D. or D.D.S. degree at accredited dental
schools in this Commonwealth, in order to qualify for licensure
under the provisions of this act.

Section 8. Section 7 of the act is repealed.

Section 9. Sections 8 and 10 of the act, amended December
15, 1959 (P.L.1753, No.656), are amended to read:

Section 8. Status of Existing Practitioners Preserved.--Any
person licensed or legally authorized to practice dentistry or
as a dental hygienist in this Commonwealth at the time this act
takes effect shall thereafter continue to possess the same
rights and privileges with respect to the practice of dentistry
or as a dental hygienist without being required to be licensed

1 anew under the provisions of this act, subject, however, to the
2 power of the board, as provided in this act, to suspend or
3 revoke the license of any such person for any of the causes set
4 forth in this act, and subject to the power of the board to
5 require any such person to [register] renew biennially with the
6 board, as provided in this act.

7 Section 10. Penalties.--(a) It is unlawful for any person
8 to practice dentistry or as a dental hygienist, or to hold
9 himself or herself out as a practitioner of or entitled or
10 authorized to practice dentistry or as a dental hygienist, or to
11 assume any title of "dentist," "dental surgeon," "dental
12 hygienist," or other letters or titles in connection with his or
13 her name which in any way represent him or her as being engaged
14 in the practice of dentistry or as a dental hygienist or
15 authorized so to do, unless he or she has been duly licensed,
16 [registered,] and authorized to engage in such practice under
17 the provisions of this act. A person who violates this
18 subsection commits a misdemeanor of the third degree and shall,
19 upon conviction, for a first offense, be sentenced to a fine not
20 to exceed one thousand dollars (\$1,000), or to imprisonment for
21 not more than six months, or both. A second offense shall be
22 subject to a fine not to exceed two thousand dollars (\$2,000),
23 or imprisonment for a term of six months to one year, or both.

24 (b) It is unlawful for any person to practice dentistry or
25 as a dental hygienist under a name other than that on his or her
26 license and biennial [registration] renewal, or to practice
27 under the name on his or her license and biennial [registration]
28 renewal with any addition thereto, except a purely technical
29 appellation such as "Dentist," "D.D.S.," "Orthodontist" or other
30 word or letters pertaining strictly to the practice of

1 dentistry, or to induce any person to practice dentistry or as a
2 dental hygienist in violation of this act.

3 (c) It is unlawful for any person to sell, offer to sell or
4 barter or exchange any diploma or document conferring or
5 purporting to confer any dental degree or any license [or
6 registration certificate] issued according to law regulating the
7 licensing of dentists or dental hygienists, or to alter any such
8 document with fraudulent intent, or to use it as a license [or
9 registration certificate] to practice dentistry under an assumed
10 name, or to make any false statement in an affidavit relating to
11 or in an application for a license.

12 (d) It is unlawful for any person to practice dentistry or
13 as a dental hygienist unless his or her license and biennial
14 [registration] renewal certificate are displayed in the office
15 in which he or she is practicing dentistry or as a dental
16 hygienist.

17 (e) It is unlawful for a person practicing dentistry to
18 employ a [dental hygienist as his or her assistant] PERSON AS A <—
19 DENTAL HYGIENIST unless such [assistant] PERSON is licensed [and <—
20 registered] as a dental hygienist as required by this act and
21 the rules and regulations of the board.

22 (f) It is unlawful for any dentist to permit any dental
23 hygienist operating under his general supervision to perform any
24 operation other than those included within practice as a "Dental
25 Hygienist," as defined by section two of this act.

26 (g) It is unlawful for any dental hygienist to perform any
27 of the operations included in practice as a "Dental Hygienist,"
28 as defined by section two of this act, except under the general
29 supervision of a licensed [and registered] dentist.

30 (h) Any person violating any of the provisions of this

1 section other than subsection (a), or any other provisions of
2 this act except as provided in subsection (a), shall be guilty
3 of a misdemeanor, and, upon conviction thereof, shall be
4 sentenced to pay a fine not exceeding five hundred dollars, or
5 to suffer imprisonment not exceeding six months, or both, in the
6 discretion of the court.

7 Section 10. The act is amended by adding sections to read:

8 Section 10.1. Civil Penalties.--In addition to any other
9 civil remedy or criminal penalty provided for in this act, the
10 board, by a vote of the majority of the maximum number of the
11 authorized membership of the board as provided by law, or by a
12 vote of the majority of the duly qualified and confirmed
13 membership or a minimum of six members, whichever is greater,
14 may levy a civil penalty of up to one thousand dollars (\$1,000)
15 on any current licensee who violates any provision of this act
16 or on any person who practices dentistry or as a dental
17 hygienist without being properly licensed to do so under this
18 act. The board shall levy this penalty only after affording the
19 accused party the opportunity for a hearing, as provided in
20 Title 2 of the Pennsylvania Consolidated Statutes (relating to
21 administrative law and procedure).

22 Section 10.2. Disposition of Fines and Penalties.--All fines
23 and civil penalties imposed in accordance with this act shall be
24 paid into the Professional Licensure Augmentation Account.

25 Section 11. Section 11 of the act, amended November 21, 1967
26 (P.L.515, No.249), is amended to read:

27 Section 11. Right of Dentists to Practice as Dental
28 Hygienists; Dental Supplies; Death Certifications.--Nothing
29 contained in this act shall be construed as prohibiting a duly
30 licensed and registered dentist from performing the work of a

1 dental hygienist. Nothing contained in this act or any other act
2 shall be construed as prohibiting a duly licensed [and
3 registered] dentist who is a staff member of an approved
4 hospital from executing a medical certification in case of death
5 if the dentist attended the deceased during the last illness,
6 provided the death occurs in the hospital and the deceased had
7 been admitted on the dental service and the circumstances are
8 not such as to require a referral to the coroner under the
9 provisions of any other act. Nothing contained in this act shall
10 be construed to prevent any person, copartnership, association
11 or corporation from manufacturing and furnishing to or repairing
12 for, licensed [and registered] dentists artificial teeth,
13 crowns, bridges, prosthetic work, and regulating appliances, but
14 it shall be unlawful and constitute the practice of dentistry
15 for any person to fit, or attempt to fit, or to furnish to or
16 repair for any other person artificial teeth, crowns, bridges,
17 prosthetic work, or appliances.

18 Section 12. The act is amended by adding sections to read:

19 Section 11.2. Anesthesia.--(a) Prior to January 1, 1987,
20 the board shall promulgate regulations which:

21 (1) Establish minimal training and education , or
22 certification for the issuance of permits to dentists to
23 administer general anesthesia on an outpatient basis. Such
24 regulations shall include a requirement of a minimum of one year
25 in an approved program of advanced training in anesthesiology
26 and related academic subjects, beyond the undergraduate dental
27 school level.

28 (2) Establish further requirements relating to the use of
29 general anesthesia, including, but not limited to, the
30 collection of permit fees, the collection of biennial license

1 and license renewal fees and the conducting of workplace
2 inspections.

3 (3) Establish minimal training and education for the
4 issuance of permits to dentists to administer conscious sedation
5 on an outpatient basis. Such regulations shall include a minimum
6 period of time of didactic instruction and clinical experience
7 in an accredited educational institution or program.

8 (4) Establish further requirements relating to the use of
9 conscious sedation, including, but not limited to, the
10 collection of permit fees, the collection of biennial license
11 and license renewal fees and the conduct of workplace
12 inspections.

13 (5) Establish minimal training and education for the
14 issuance of permits to dentists to administer analgesia on an
15 outpatient basis. Such regulations shall include a minimum
16 period of time of didactic instruction or clinical experience in
17 an accredited educational institution or program.

18 (6) Establish further requirements relating to the use of
19 analgesia, including, but not limited to, the collection of
20 permit fees, the collection of biennial licenses and license
21 renewal fees and the conduct of workplace inspections.

22 (7) Establish fees for temporary permits which permits may
23 be issued by the board for one year to a person whose
24 application indicates that he possesses the necessary
25 qualifications pending a complete processing of the application.

26 (b) The board may issue the appropriate permits in
27 accordance with this section to a dentist who has been
28 administering general anesthesia, conscious sedation agents or
29 nitrous oxide or oxygen analgesia if the dentist submits
30 evidence satisfactory to the board that he has been

administering these agents for a period of at least five years prior to the effective date of this section and that the dentist has applied within one year of the effective date of the regulations.

Section 11.3. Reports of Adverse Occurrences.--All licensees engaged in the practice of dentistry in this Commonwealth shall within thirty days from the date of the occurrence submit a complete report to the board regarding any mortality or unusual incidents requiring medical care and resulting in physical or mental injury of patients as a direct result of the administration of anesthesia or drugs. Mortalities not related to drugs or anesthesia must also be reported to the board within a period of thirty days from the date of occurrence.

Section 11.4. Radiologic Procedures; Education and Training Required.--(a) On and after January 1, 1987, no auxiliary personnel shall perform radiologic procedures ON THE PREMISES OF THE DENTIST unless such person is under the direct supervision of a dentist who is on the premises at the time the X-ray is taken, and unless such person has passed an examination approved by the board and administered in accordance with section 812.1 of the act of April 9, 1929 (P.L.177, No.175) known as "The Administrative Code of 1929."

(b) The board shall, by regulation, provide for the exclusion of auxiliary personnel from performing radiologic procedures if the continued performance of radiologic procedures by the auxiliary personnel is determined by the board to pose a threat to the health, safety or welfare of the public.

(C) IT SHALL BE UNLAWFUL UNDER THIS ACT TO KNOWINGLY PERMIT RADIOLOGIC PROCEDURES TO BE PERFORMED IN VIOLATION OF THIS SECTION OR IN VIOLATION OF THE REGULATIONS PROMULGATED ON ORDERS

1 ISSUED IN ACCORDANCE WITH THIS SECTION.

2 (D) NO AUXILIARY PERSONNEL WHO HAS OR OBTAINS A LICENSE,
3 CERTIFICATE, OR REGISTRATION ISSUED BY, OR ON BEHALF OF, A BOARD
4 WITHIN THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS SHALL
5 BE REQUIRED TO UNDERGO ANY ADDITIONAL EDUCATION OR TESTING
6 PURSUANT TO THIS SECTION IF RADIOLOGIC PROCEDURES WERE INCLUDED
7 IN THE EDUCATION OR THE EXAMINATION WHICH HE OR SHE WAS REQUIRED
8 TO COMPLETE SUCCESSFULLY IN ORDER TO BE ELIGIBLE FOR SUCH
9 LICENSE, CERTIFICATE, OR REGISTRATION.

10 Section 11.5. Reporting of Multiple Licensure.--Any licensed
11 dentist or dental hygienist of this Commonwealth who is also
12 licensed to practice dentistry or as a dental hygienist in any
13 other state, territory or country shall report this information
14 to the board on the biennial renewal application. Any
15 disciplinary action taken in other states, TERRITORIES, OR <—
16 COUNTRIES shall be reported to the board on the biennial renewal
17 application, OR WITHIN NINETY (90) DAYS OF DISPOSITION, <—
18 WHICHEVER IS SOONER. Multiple licensure shall be noted by the
19 board on the dentist's or dental hygienist's record and such
20 state, territory or country shall be notified by the board of
21 any disciplinary actions taken against the dentist or dental
22 hygienist in this Commonwealth.

23 SECTION 11.6. IMPAIRED PROFESSIONAL.--(A) THE BOARD, WITH <—
24 THE APPROVAL OF THE COMMISSIONER OF PROFESSIONAL AND
25 OCCUPATIONAL AFFAIRS, SHALL APPOINT AND FIX THE COMPENSATION OF
26 A PROFESSIONAL CONSULTANT WHO IS A LICENSEE OF THE BOARD, OR
27 SUCH OTHER PROFESSIONAL AS THE BOARD MAY DETERMINE, WITH
28 EDUCATION AND EXPERIENCE IN THE IDENTIFICATION, TREATMENT
29 PROGRAM AND REHABILITATION OF PERSONS WITH PHYSICAL OR MENTAL
30 IMPAIRMENTS. SUCH CONSULTANT SHALL BE ACCOUNTABLE TO THE BOARD

1 AND SHALL ACT AS A LIAISON BETWEEN THE BOARD AND TREATMENT
2 PROGRAMS, SUCH AS ALCOHOL AND DRUG TREATMENT PROGRAMS LICENSED
3 BY THE DEPARTMENT OF HEALTH, PSYCHOLOGICAL COUNSELING AND
4 IMPAIRED PROFESSIONAL SUPPORT GROUPS, WHICH ARE APPROVED BY THE
5 BOARD AND WHICH PROVIDE SERVICES TO LICENSEES UNDER THIS ACT.

6 (B) THE BOARD MAY DEFER AND ULTIMATELY DISMISS ANY OF THE
7 TYPES OF CORRECTIVE ACTION SET FORTH IN THIS ACT FOR AN IMPAIRED
8 PROFESSIONAL SO LONG AS THE PROFESSIONAL IS PROGRESSING
9 SATISFACTORILY IN AN APPROVED TREATMENT PROGRAM, PROVIDED THAT
10 THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO A
11 PROFESSIONAL CONVICTED OF A FELONIOUS ACT PROHIBITED BY THE ACT
12 OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED
13 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR CONVICTED OF,
14 PLEADED GUILTY TO, OR ENTERED A PLEA OF NOLO CONTENDERE TO A
15 FELONY RELATING TO A CONTROLLED SUBSTANCE IN A COURT OF LAW OF
16 THE UNITED STATES OR ANY OTHER STATE, TERRITORY OR COUNTRY. AN
17 APPROVED PROGRAM PROVIDER SHALL, UPON REQUEST, DISCLOSE TO THE
18 CONSULTANT ~~ALL~~ SUCH INFORMATION IN ITS POSSESSION REGARDING AN <—
19 IMPAIRED PROFESSIONAL IN TREATMENT, WHICH THE PROGRAM PROVIDER
20 IS NOT PROHIBITED FROM DISCLOSING BY AN ACT OF THIS
21 COMMONWEALTH, ANOTHER STATE, OR THE UNITED STATES. SUCH
22 REQUIREMENT OF DISCLOSURE BY AN APPROVED PROGRAM PROVIDER SHALL
23 APPLY IN THE CASE OF IMPAIRED PROFESSIONALS WHO ENTER AN
24 AGREEMENT IN ACCORDANCE WITH THIS SECTION, IMPAIRED
25 PROFESSIONALS WHO ARE THE SUBJECT OF A BOARD INVESTIGATION OR
26 DISCIPLINARY PROCEEDING, AND IMPAIRED PROFESSIONALS WHO
27 VOLUNTARILY ENTER A TREATMENT PROGRAM OTHER THAN UNDER THE
28 PROVISIONS OF THIS SECTION BUT WHO FAIL TO COMPLETE THE PROGRAM
29 SUCCESSFULLY OR TO ADHERE TO AN AFTERCARE PLAN DEVELOPED BY THE
30 PROGRAM PROVIDER.

1 (C) AN IMPAIRED PROFESSIONAL WHO ENROLLS IN AN APPROVED
2 TREATMENT PROGRAM SHALL ENTER INTO AN AGREEMENT WITH THE BOARD
3 UNDER WHICH THE PROFESSIONAL'S LICENSE SHALL BE SUSPENDED OR
4 REVOKED BUT ENFORCEMENT OF THAT SUSPENSION OR REVOCATION MAY BE
5 STAYED FOR THE LENGTH OF TIME THE PROFESSIONAL REMAINS IN THE
6 PROGRAM AND MAKES SATISFACTORY PROGRESS, COMPLIES WITH THE TERMS
7 OF THE AGREEMENT AND ADHERES TO ANY LIMITATIONS ON HIS PRACTICE
8 IMPOSED BY THE BOARD TO PROTECT THE PUBLIC. FAILURE TO ENTER
9 INTO SUCH AN AGREEMENT SHALL DISQUALIFY THE PROFESSIONAL FROM
10 THE IMPAIRED PROFESSIONAL PROGRAM AND SHALL ACTIVATE AN
11 IMMEDIATE INVESTIGATION AND DISCIPLINARY PROCEEDING BY THE
12 BOARD.

13 (D) IF, IN THE OPINION OF THE CONSULTANT AFTER CONSULTATION
14 WITH THE PROVIDER, AN IMPAIRED PROFESSIONAL WHO IS ENROLLED IN
15 AN APPROVED TREATMENT PROGRAM HAS NOT PROGRESSED SATISFACTORILY,
16 THE CONSULTANT SHALL DISCLOSE TO THE BOARD ALL THE INFORMATION
17 IN HIS POSSESSION REGARDING SAID PROFESSIONAL; AND THE BOARD
18 SHALL INSTITUTE PROCEEDINGS TO DETERMINE IF THE STAY OF THE
19 ENFORCEMENT OF THE SUSPENSION OR REVOCATION OF THE IMPAIRED
20 PROFESSIONAL'S LICENSE SHOULD SHALL BE VACATED. <—

21 (E) AN APPROVED PROGRAM PROVIDER WHO MAKES A DISCLOSURE
22 PURSUANT TO THIS SECTION SHALL NOT BE SUBJECT TO CIVIL LIABILITY
23 FOR SUCH DISCLOSURE OR ITS CONSEQUENCES.

24 (F) ANY HOSPITAL OR HEALTH CARE FACILITY, PEER OR COLLEAGUE
25 WHO HAS SUBSTANTIAL EVIDENCE THAT A PROFESSIONAL HAS AN ACTIVE
26 ADDICTIVE DISEASE FOR WHICH THE PROFESSIONAL IS NOT RECEIVING
27 TREATMENT, IS DIVERTING A CONTROLLED SUBSTANCE OR IS MENTALLY OR
28 PHYSICALLY INCOMPETENT TO CARRY OUT THE DUTIES OF HIS OR HER
29 LICENSE SHALL MAKE OR CAUSE TO BE MADE A REPORT TO THE BOARD:
30 PROVIDED, THAT ANY PERSON OR FACILITY WHO ACTS IN A TREATMENT

1 CAPACITY TO AN IMPAIRED PODIATRIST PROFESSIONAL IN AN APPROVED <—
2 TREATMENT PROGRAM IS EXEMPT FROM THE MANDATORY REPORTING
3 REQUIREMENTS OF THIS SUBSECTION. ANY PERSON OR FACILITY WHO
4 REPORTS PURSUANT TO THIS SECTION IN GOOD FAITH AND WITHOUT
5 MALICE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY
6 ARISING FROM SUCH REPORT. FAILURE TO PROVIDE SUCH REPORT WITHIN
7 A REASONABLE TIME FROM RECEIPT OF KNOWLEDGE OF IMPAIRMENT SHALL
8 SUBJECT THE PERSON OR FACILITY TO A FINE NOT TO EXCEED ONE
9 THOUSAND DOLLARS (\$1,000). THE BOARD SHALL LEVY THIS PENALTY
10 ONLY AFTER AFFORDING THE ACCUSED PARTY THE OPPORTUNITY FOR A
11 HEARING, AS PROVIDED IN TITLE 2 OF THE PENNSYLVANIA CONSOLIDATED
12 STATUTES (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

13 Section 13. Each rule, ~~regulation or fee~~ AND REGULATION of <—
14 the board in effect on the effective date of this act shall
15 remain in effect after such date until amended by the board,
16 provided that the board shall immediately initiate the repeal or
17 amendment of any rule or regulation which is inconsistent with
18 the provisions of this act. EACH FEE OF THE BOARD IN EFFECT ON <—
19 THE EFFECTIVE DATE OF THIS ACT, AND NOT INCONSISTENT WITH THIS
20 ACT, SHALL REMAIN IN EFFECT AFTER SUCH DATE UNTIL REPEALED OR
21 ~~AMENDED BY THE BOARD OR THE COMMISSIONER~~ IN ACCORDANCE WITH THIS <—
22 ACT.

23 Section 14. Persons who are members of the State Dental
24 Council and Examining Board, on the effective date of this act,
25 shall serve on the ~~State Dental Council and Examining Board~~ <—
26 STATE BOARD OF DENTISTRY as provided for in this act until their <—
27 ~~current terms would have expired or until their successors are~~ <—
28 PRESENT TERMS OF OFFICE EXPIRE, PROVIDED THAT ANY PRESENT BOARD <—
29 MEMBER WHOSE TERM HAS EXPIRED ON OR BEFORE THE EFFECTIVE DATE OF
30 THIS ACT SHALL SERVE UNTIL A SUCCESSOR HAS BEEN duly appointed

1 and qualified, but no longer than six months after the
2 ~~expiration of their terms~~ EFFECTIVE DATE OF THIS ACT. <—

3 Section 15. Any person who holds a valid license issued by
4 the State Dental Council and Examining Board prior to the
5 effective date of this amendatory act shall, on and after the
6 effective date hereof, be deemed to be licensed by the ~~State~~ <—
7 ~~Dental Council and Examining Board~~ STATE BOARD OF DENTISTRY as <—
8 provided for in this act.

9 Section 16. This act, with respect to the State Dental
10 Council and Examining Board, shall constitute the legislation
11 required to reestablish an agency pursuant to the act of
12 December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

13 Section 17. (a) Section 414 of the act of April 9, 1929
14 (P.L.177, No.175), known as The Administrative Code of 1929, is
15 repealed.

16 (b) All other acts and parts of acts are repealed insofar as
17 they are inconsistent with this act.

18 Section 18. This act shall take effect January 1, 1986, or
19 immediately, whichever is later.