

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 2286

Session of  
1988

INTRODUCED BY CALTAGIRONE, IRVIS, MANMILLER, CLYMER, COLE,  
CAWLEY, SALOOM, TRELLO, BRANDT, BUNT, HALUSKA, DAWIDA,  
KOSINSKI, COLAFELLA, VEON, MCHALE, E. Z. TAYLOR, GODSHALL AND  
COHEN, APRIL 5, 1988

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 5, 1988

AN ACT

1 Providing for the licensing procedures for the dental laboratory  
2 industry.

3 TABLE OF CONTENTS

4 Chapter 1. Preliminary Provisions

5 Section 101. Short title.

6 Section 102. Purposes.

7 Section 103. Definitions.

8 Chapter 3. Licensing

9 Section 301. Licensing.

10 Section 302. Infectious disease control.

11 Section 303. Doing business.

12 Section 304. Prohibitions on ownership.

13 Chapter 5. Board of Dental Laboratory Examiners

14 Section 501. Board of Dental Laboratory Examiners.

15 Section 502. Composition and tenure of board membership.

16 Section 503. General qualifications for board membership.

17 Section 504. Selection of members.

1 Section 505. Meetings.  
2 Chapter 7. Licensure and Regulation  
3 Section 701. Powers and duties of board.  
4 Section 702. Compliance.  
5 Section 703. Exemptions.  
6 Section 704. Penalties for failure to secure licensing.  
7 Section 705. Penalties for use of nonlicensed dental laboratory.  
8 Section 706. Injunctive relief.  
9 Chapter 9. Miscellaneous Provisions  
10 Section 901. Effective date.

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

13 CHAPTER 1  
14 PRELIMINARY PROVISIONS

15 Section 101. Short title.

16 This act shall be known and may be cited as the Dental  
17 Laboratory Licensure Act.

18 Section 102. Purposes.

19 The purpose of this act is to promote the health, safety and  
20 welfare of the citizens of this Commonwealth by requiring that  
21 only properly licensed dental laboratories operated under the  
22 direction or supervision of a certified dental technician be  
23 permitted to engage in the fabrication and repair of dental  
24 prosthetic appliances as provided in this act.

25 Section 103. Definitions.

26 The following words and phrases when used in this act shall  
27 have the meanings given to them in this section unless the  
28 context clearly indicates otherwise:

29 "Board." The Board of Dental Laboratory Examiners  
30 established by this act.

1 "Certified dental technician." A dental technician who has  
2 met the standards set by the National Board for Certification in  
3 Dental Laboratory Technology or its equivalent as established by  
4 this Commonwealth.

5 "Dental laboratory." A corporation, partnership or sole  
6 proprietorship engaged in the fabrication or repair of dental  
7 prosthetic appliances on the prescription of and for a licensed  
8 dentist or the work authorization of another properly authorized  
9 dental laboratory, except as otherwise provided in this act.

10 "Dental technician." Any person who offers or undertakes to  
11 perform or accomplish dental technology.

12 "Licensed dentist." Any person duly licensed to practice  
13 dentistry under the laws of this Commonwealth or practitioners  
14 licensed in other states.

15 "Prescription." A written instrument executed by a licensed  
16 dentist and directed to a licensed dental laboratory authorizing  
17 the fabrication or repair of a dental prosthetic appliance for  
18 such licensed dentist.

19 "Work authorization." A written instrument executed by a  
20 licensed dental laboratory authorized by prescription by which  
21 such dental laboratory subcontracts all or part of the  
22 fabrication or repair of a dental prosthetic appliance  
23 authorized by prescription to another licensed dental  
24 laboratory.

## 25 CHAPTER 3

## 26 LICENSING

27 Section 301. Licensing.

28 All dental laboratories operating, doing business or  
29 intending to operate or do business within this Commonwealth  
30 shall be required to be licensed as provided in this act. In

1 order to be licensed under this act, a dental laboratory must  
2 employ or be operated under the supervision of one or more  
3 certified dental technicians.

4 Section 302. Infectious disease control.

5 In order to be licensed, a dental laboratory shall practice  
6 infectious disease control as adopted by the National Board for  
7 Certification of Dental Laboratories or any equivalent program  
8 established by this Commonwealth.

9 Section 303. Doing business.

10 A dental laboratory, whenever located, shall be considered as  
11 operating or doing business in this Commonwealth if its work  
12 product is prepared pursuant to a written instrument originating  
13 within this Commonwealth.

14 Section 304. Prohibitions on ownership.

15 No licensed dentist engaged in the practice of dentistry  
16 shall own, operate or be a shareholder, officer, director or  
17 partner in a dental laboratory licensed under this act.

18 CHAPTER 5

19 BOARD OF DENTAL LABORATORY EXAMINERS

20 Section 501. Board of Dental Laboratory Examiners.

21 There is hereby established a Board of Dental Laboratory  
22 Examiners. The board shall license qualified dental laboratories  
23 operating, doing business or intending to operate or do business  
24 within this Commonwealth, and shall register the certified  
25 dental technicians.

26 Section 502. Composition and tenure of board membership.

27 The board shall be composed of five members; except for the  
28 initial appointees, at least three shall be certified dental  
29 technicians. Terms of office of the members shall be three  
30 years; provided however, that, of the initial appointees, two

1 members shall be appointed for one year, two members shall be  
2 appointed for two years, and one member shall be appointed for  
3 three years. In the event a vacancy occurs, the appointment  
4 shall be for the unexpired term of the vacant position.

5 Section 503. General qualifications for board membership.

6 The members of the board shall be citizens of the United  
7 States and residents of this Commonwealth.

8 Section 504. Selection of members.

9 The members of the board shall be appointed by the Governor  
10 with the advice and consent of a majority of the members elected  
11 to the Senate. The certified dental technicians shall be  
12 appointed by the Governor from a list of nominees submitted by  
13 the State Dental Laboratory Association. The list of nominees  
14 shall provide at least double the number of nominees needed for  
15 each position under consideration.

16 Section 505. Meetings.

17 The board shall meet at such time and place as it may  
18 designate, at least semiannually, or whenever a majority of the  
19 board, in its discretion, shall convene a meeting. Notice of all  
20 meetings must be given to all board members at least five days  
21 prior to any meeting, and a quorum shall be necessary in order  
22 to transact business at any meeting.

23 CHAPTER 7

24 LICENSURE AND REGULATION

25 Section 701. Powers and duties of board.

26 The board shall have the power and it shall be its duty to  
27 adopt rules and regulations not inconsistent with this act for  
28 its own organization and for carrying out the provisions of this  
29 act, including, but not limited to:

30 (1) Procedures and qualifications for licensing dental

laboratories.

(2) Procedures and qualifications for registering  
certified dental technicians.

(3) Fees for licensing under this act and procedures for  
the collection and distribution of fees.

(4) Procedures for annual renewal of licenses.

(5) Procedures for periodic inspections or examinations.

(6) Issuance of certificates.

(7) Procedures for review of board decisions.

(8) Procedures establishing reciprocity with other  
states regarding licensing.

(9) Procedures for the revocation, suspension or denial  
of licenses.

#### Section 702. Compliance.

Laboratories in existence on the effective date of this act  
shall be required to comply with this act no later than three  
years from the effective date of this act.

#### Section 703. Exemptions.

Nothing contained in this act shall apply to:

(1) schools of dentistry or schools of dental laboratory  
technology;

(2) licensed dentists who themselves perform their own  
dental laboratory work for their own patients in their  
respective offices; or

(3) dental laboratory facilities operated by any branch  
of the armed forces, by the Public Health Service, by the  
Veterans Administration or by any agency of this  
Commonwealth.

#### Section 704. Penalties for failure to secure licensing.

Any person who owns any interest in a dental laboratory

1 operating or doing business in this Commonwealth without  
2 licensing the laboratory pursuant to this act commits a  
3 misdemeanor and shall, upon conviction, be sentenced to pay a  
4 fine of not more than \$1,000 or to imprisonment for not more  
5 than six months, or both.

6 Section 705. Penalties for use of nonlicensed dental  
7 laboratory.

8 It shall be illegal for any dentist licensed in this  
9 Commonwealth to have a dental prosthetic appliance fabricated in  
10 a dental laboratory, whether located inside or outside this  
11 Commonwealth, that does not meet the licensure requirements of  
12 this Commonwealth.

13 Section 706. Injunctive relief.

14 The board shall have the authority to commence in its name  
15 injunctive proceedings to enjoin any person, firm, association,  
16 partnership, corporation or combination thereof found by the  
17 board to be in violation of any of the provisions of this act or  
18 any of the rules and regulations promulgated thereunder.

19 CHAPTER 9

20 MISCELLANEOUS PROVISIONS

21 Section 901. Effective date.

22 This act shall take effect in 180 days.