

## **ARTICLE 4B. DENTAL LABORATORY SERVICES.**

### **§30-4B-1. Definitions.**

As used in this article, the following words and terms have the following meanings, unless the context clearly indicates otherwise.

(1) "Board" means the West Virginia board of dental examiners;

(2) "Dental laboratory" means a business performing dental laboratory services: *Provided*, That there is excluded from the definition dentists and other dental practitioners performing dental laboratory services and persons performing dental laboratory services under the direct supervision of a dentist or other dental practitioner in cases where dental laboratory services are performed in connection with, and as a part of, the dental practice of the dentist or other dental practitioner and for his or her dental patients;

(3) "Dental prosthesis" means an artificial appliance fabricated to replace one or more teeth or other oral or peri-oral structure in order to restore or alter function and aesthetics;

(4) "Dental laboratory service" means the fabricating, repairing or altering of any dental prosthesis;

(5) "Dental laboratory technician" means a person qualified by education, training and experience who has completed a dental laboratory technology education program and who fabricates, repairs or alters a dental prosthesis in accordance with a dentist's work authorization;

(6) "Dentist" means a dentist licensed pursuant to the provisions of article four of this chapter;

(7) "Other dental practitioner" means those persons excluded from the definition of the practice of dentistry under the provisions of subsections three, four and five, section twenty-nine, article four of this chapter and also those persons who hold temporary permits to practice dentistry or teaching permits which have been issued to them under the provisions of section fourteen, article four of this chapter; and

(8) "Work authorization" means a written order for dental laboratory services which has been issued by a licensed dentist or other dental practitioner.

### **§30-4B-2. Work authorization required; contents; retention.**

(a) No dental laboratory technician may perform any dental laboratory service without the issuance of a work authorization by a dentist or other dental practitioner.

(b) Each work authorization must contain the following information: (1) The name and address of the dental laboratory to which it is directed; (2) the case identification; (3) a specification of the materials to be used; (4) a description of the work to be done and, if necessary, diagrams thereof; (5) the date of issue; and (6) the signature

and address of the dentist or other dental practitioner issuing the work authorization. A separate work authorization must be issued for each patient of the dentist or other dental practitioner for whom a dental laboratory service is to be performed.

(c) Every work authorization must be made in duplicate with the original being delivered to the dental laboratory to which it is directed and the copy being retained in the office of the issuing dentist or other dental practitioner. A work authorization must be saved for a period of two years from its date of issue.

**§30-4B-3. Denture identification.**

Every dental laboratory and every dentist who engages in dental laboratory services and who fabricates any full upper or full lower set of prosthetic dentures must affix upon the dentures, in a nonremovable manner, the name of the patient for whom the dentures are made and the initials of the dentist's state of practice and license identification number.

**§30-4B-4. Review of dental laboratory services.**

The board may review the dental laboratory services of a dental laboratory on a random and general basis without any requirement of a formal complaint or suspicion of impropriety.

**§30-4B-5. Unlawful acts.**

(a) It is unlawful for any dental laboratory either directly or indirectly: (1) To advertise that it is engaged in the business of performing dental laboratory services; (2) to advertise it performs dental laboratory services for members of the public; (3) to advertise a price for the performance of dental laboratory services; or (4) to advertise techniques used or materials employed by it in the performance of dental laboratory services: *Provided*, That this subsection does not prevent dental laboratories from advertising in dental journals or in other professional dental publications or from communicating directly to a dentist and other dental practitioner or from listing the dental laboratory in business and telephone directories if the business and telephone directory announcements are limited to name, address and telephone number and do not occupy more than the number of lines necessary to disclose the information, or from displaying the trade name and address of the dental laboratory on the door of its place of business or on name plates or door plates exhibited on the interior or exterior of the place of business.

(b) It is unlawful for any person, other than a dentist or other dental practitioner, to sell, offer for sale or furnish any dental prosthesis or other dental laboratory service to any person who is not a dentist or other dental practitioner.

(c) It is unlawful for any person to perform dental laboratory services without a work authorization:

*Provided*, That this subsection does not apply to a dentist or other dental practitioner, or to their employees working under their direct supervision, performing dental laboratory services as a part of their own dental practice and for their own dental patients.

(d) It is unlawful for any dental laboratory to perform any dental laboratory service without the issuance of a work authorization by a dentist or other dental practitioner.

(e) It is unlawful for any dental laboratory or dentist who fabricates a full upper or full lower set of prosthetic dentures not to affix upon the dentures, in a nonremovable manner, the name of the patient, the initials of the dentist's state of practice and license identification.

**§30-4B-6. Injunction against unlawful acts.**

When, as a result of a review under section four of this article or otherwise, the board or any other interested person believes that any person engaged, is engaging or is about to engage in any act or practice that violates the provisions of section five of this article, the board or any other interested person may make application to any court of competent jurisdiction for an order enjoining the acts or practices and upon a showing that the person has violated or is about to violate the provisions of this article, an injunction, restraining order or another appropriate order may be granted by the court without bond.

**§30-4B-7. Criminal proceedings; penalties.**

(a) When, by reason of a review under section four of this article or otherwise, the board has reason to believe that any person has knowingly engaged in an act or practice that constitutes a violation of section five of this article, the board may bring its information to the attention of the attorney general or other appropriate law-enforcement officer who may cause appropriate criminal proceedings to be brought.

(b) Any person or firm who knowingly violates any provision of section five of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars or confined in the county or regional jail not more than one year or both fined and imprisoned.

**§30-4B-8. Single act evidence of practice.**

In any action or proceeding brought under section five or six of this article, evidence of the commission of a single act prohibited by this article is sufficient to justify an injunction, restraining order or conviction without evidence of a general course of conduct.