

**§ 73-9-41--UNAUTHORIZED PRACTICE OF DENTISTRY  
OR DENTAL HYGIENE BY UNLICENSED PERSON;  
BOARD MAY SUMMON SUSPECTED VIOLATORS;  
CIVIL PENALTIES FOR VIOLATIONS;  
COSTS OF INVESTIGATION AND HEARING;  
VIOLATORS MUST RETURN ANY FEES COLLECTED**

- (1) No person shall practice, attempt to practice or offer to practice dentistry or dental hygiene within the state without first having been authorized and issued a license by the board; nor shall any person practice, attempt to practice, or offer to practice dentistry or dental hygiene within the state during any period of suspension of his or her license by the board or after revocation or being voided for failure to re-register by the board of any license previously issued to the offending person.
- (2) A person who has never been issued a license to practice dentistry or dental hygiene or whose license has been suspended, voided or revoked by action of the board, shall not perform any act that would constitute the practice of dentistry or dental hygiene as defined in Sections 73-9-3 and 73-9-5, including, but not limited to, the following:
  - (a) Making impressions or casts of the human mouth or teeth;
  - (b) Constructing or supplying dentures without the work authorization or prescription of a person licensed under the laws of this state to practice dentistry; and
  - (c) Constructing or supplying dentures from impressions or casts without the work authorization or prescription of a person licensed under the laws of this state to practice dentistry.
- (3) The fact that any person engages in or performs or offers to engage in or performs any of the practices, acts or operations set forth in Section 73-9-3 or Section 73-9-5 is prima facie evidence that the person is engaged in the practice of dentistry or dental hygiene.
- (4) In addition to any other civil remedy or criminal penalty provided for by law, the executive director or the secretary of the board may issue a summons to appear before the board to any person or persons who the executive director or any member of the board has probable cause to believe has violated this section by practicing, attempting to practice, or offering to practice dentistry or dental hygiene without a current, valid license or permit and any necessary witnesses. The summons issued by the board shall command each person to whom it is directed to attend and give testimony at a time and place specified in the summons. The summons shall be served upon the individual personally or by any type of mailing requiring a return receipt and shall include a statement of the charges and an explanation of the manner in which the unlicensed person shall be required to respond to the board.

- (5) In proceedings conducted pursuant to subsection (4) of this section, the board may levy for each and every violation a civil penalty upon any unlicensed person who after a hearing is found to have practiced dentistry or dental hygiene without the benefit of a current, valid license having been issued by the board under the provisions of this chapter, as follows:
- (a) For the first violation, a monetary penalty of not more than Five Hundred Dollars (\$500.00).
  - (b) For the second violation, a monetary penalty of not more than One Thousand Dollars (\$1,000.00).
  - (c) For the third and any subsequent violations, a monetary penalty of not more than Five Thousand Dollars (\$5,000.00).
  - (d) For any violation, the board may assess those reasonable costs that are expended by the board in the investigation and conduct of the hearing as provided in subsection (4) of this section, including, but not limited to, the cost of process service, court reporters, expert witnesses and other witness expenses paid by the board, and investigators. Appeals from the board's decision may be taken as provided in Section 73-9-65. Any monetary penalty or assessment levied under this section shall be paid to the board by the illegal practitioner upon the expiration of the period allowed for appealing those penalties or may be paid sooner if the illegal practitioner elects. Monetary penalties collected by the board under this section shall be deposited to the credit of the General Fund of the State Treasury. Any monies collected for assessment of costs by the board shall be deposited into the special fund of the board.
- (6) No person practicing dentistry or dental hygiene without a current valid license shall have the right to receive any compensation for services so rendered. In addition to any other penalties imposed under this section, any person who practices dentistry or dental hygiene without a license shall return any fees collected for practicing dentistry or dental hygiene and shall be liable for any damages resulting from negligent conduct. The board or any patient shall have the right to enforce the obligation provided in this section.