

DENTAL BOARD - Construction of Section 13569 R. S. Mo. 1929.

4-20
March 28, 1934.



Dr. George E. Haigh, Secretary
Missouri Dental Board
Jefferson City, Missouri

Dear Sir:

Your request of March 14, 1934, for an opinion has been received, and contains the following inquiries:

- "1. Is it lawful for any person or persons to operate a Dental office in this State and use the name of any company, association, corporation, trade name or business name.
2. Has an association, corporation, trade name or business name the right to employ license Dentists."

This opinion involves the construction of Section 13569 R. S. Mo. 1929. The apparent intent of this section was to protect the public from fraud and quackery.

This section makes it unlawful for any person, under any name except his or her own proper name, to practice or offer to practice or to hold themselves out as practicing dentistry or dental surgery. Clearly, a dentist could not do business under a fictitious name, but is required to reveal his true identity to the public. This section also makes it unlawful for any person (a physician or layman) to form a corporation, association, or business under a trade name and employ dentists to render professional services to the public. It is also made unlawful for any licensed dentist to operate, manage, or be employed by any such company for the purpose of rendering professional services in the name of the company to the public. The relationship of physician and patient is highly confidential, and this statute prohibits anyone under a fictitious name, or any association, corporation or company

from occupying a position ordinarily occupied by a doctor, and no such corporation can contract with a patient to furnish such professional services to the patient. So long as the contract of employment for professional services is made between the doctor, in his own true name, and the patient, then there is no violation of this statute. It is immaterial from the standpoint of this statute who pays for the services.

It is, therefore, the opinion of this office that it is unlawful for any person to operate a dental office in this state under any name other than his own.

There is no prohibition against an association, corporation, or a business from employing dentists. However, the contract of employment which any dentist is authorized to make wherein the dentist is to render professional services, must be made between the patient and the dentist. A corporation may employ a dentist to do work for the corporation's employees, and may pay for such work, so long as such work is done at the request and under a contract made between the patient and the dentist.

As set out in answer to your first inquiry, no corporation has the right to employ a dentist for the purpose of engaging in a dental business under a corporation name. Such an act is prohibited under the above statute.

I trust the above and foregoing answers your inquiry.

Yours very truly,

FRANKLIN E. REAGAN
Assistant Attorney General

APPROVED:

~~NOT RECORDED~~
Attorney General

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