

1970 O. A. G.

OFFICIAL OPINION NO. 22

October 1, 1970

Doctor Daniel W. Cheek, Jr.

Secretary

Indiana State Board of Dental Examiners

1021 State Office Building

Indianapolis, Indiana 46204

Dear Doctor Cheek:

This is in response to your request for my Official Opinion concerning whether a dentist may practice dentistry in any county other than the county in which he is licensed.

ANALYSIS

The State Board of Dental Examiners is given the authority to issue a certificate to any such person who is entitled to practice dentistry in the State of Indiana. Upon receipt of the certificate from the State Board of Dental Examiners, the applicant shall present his certificate to the Clerk of the Circuit Court of the county in Indiana in which he proposes to engage in the practice of dentistry. The Clerk of the Circuit Court shall then issue a license to practice dentistry in said county. (Acts of 1913, Ch. 138, Sec. 4, as amended and found in Burns' [1970 Supp.], Section 63-504)

The Indiana statutes further provide that any person who holds a dental license who desires to "personally maintain and personally operate" a secondary office for the part-time practice of dentistry in another county of the state, may apply to the State Board of Dental Examiners for a secondary certificate. The secondary certificate, if granted, shall be presented to, and filed with the Clerk of the Circuit Court in the county in which the applicant proposes to operate a secondary office. The Clerk shall retain and file the secondary certificate and issue to the applicant a secondary dental license which shall entitle the applicant to engage in part-time practice of dentistry in the county. (Acts of 1913, Ch. 138, Sec. 5, as amended and found in Burns' [1961 Repl.], Section 63-505.)

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CONCLUSION

The rules of statutory construction mandate that words and phrases shall be taken in their plain or ordinary and usual sense. (2 R. S. 1852, Ch. 17, Sec. 1, as found in Burns' [1967 Repl.], Section 1-201.) Reading of the statute indicates that it would not be necessary for a dentist to apply for a secondary license unless he "personally maintains and personally operates" a secondary office. This secondary license provision would not apply to the occasional treatment of patients in another county.

It is, therefore, my opinion that a dentist licensed in the State of Indiana is required to secure a secondary license only when he personally maintains and personally operates an office in another Indiana county besides the one in which he normally practices.