

DENTISTRY

CHAPTER 119.

[H. B. No. 136—Williams.]

PROHIBITS STUDENTS FROM PRACTICING DENTISTRY.

AN ACT to Amend Sections 509 and 510 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Practice of Dentistry.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 509 of the Compiled Laws of 1913 is hereby amended to read as follows:

§ 509. DENTISTRY DEFINED. INHIBITION. EXCEPTION.] Every person shall be deemed to be practicing dentistry within the meaning of this Section, who shall use the word or letters "Dentist," or "D. D. S." or any other letters or title in connection with his name, which in any manner represents him as engaged in the practice of dentistry, or who shall advertise, or permit it to be done, by sign, card, circular, hand bill, newspaper, or otherwise, that he can or will attempt to perform dental operations of any kind, treat diseases or lesions of the human jaw or replace lost teeth by artificial ones, or attempt to correct malposition thereof, or who shall for a fee, salary, or other reward, paid or to be paid, either to himself or to another person, perform dental operations of any kind, treat diseases or lesions of the human jaw or teeth, or replace lost teeth by artificial ones, or attempt to correct the malposition thereof. This Section shall not apply to those who upon invitation of a dental society shall perform dental operations of any kind for educational purposes, nor prevent any duly licensed physician or surgeon from extracting teeth, nor prohibit persons from performing merely mechanical work on inert matter in the dental office or laboratory.

§ 2. AMENDMENT.] That Section 510 of the Compiled Laws for 1913 is hereby amended to read as follows:

§ 510. EXAMINATION. LICENSE. REVOCATION. ASSUMED NAME.] Any person not already a licensed dentist in this state at the time of going into effect of this Act, desiring to practice dentistry therein, shall apply to the secretary of the board for examination, and pay fee of \$25.00 for the first examination and \$10.00 for each subsequent examination, which fees shall in no case be refunded. At the next regular meeting of the board held after such application is made, the applicant shall present himself for examination and produce a diploma issued to him by some dental college of good standing, of which standing the board shall be the judges. No person shall be permitted to take such examination unless he shall present

conclusive evidence to the board that he has a preliminary high school education, which shall entitle him to admission, without condition, to the freshman class in the College of Liberal Arts of the University of North Dakota. From and after the first day of January, 1919, every applicant for such examination shall, in addition to the foregoing requirements, present to the board satisfactory evidence of having successfully completed a preliminary course in study equivalent to at least one year's work in the College of Liberal Arts, at the University of North Dakota. *Provided*, however, that the privileges of such examination are not denied an applicant therefor who holds a license to practice dentistry in some other state than North Dakota prior to the passage of this Act. No holder of a degree or diploma from a foreign country or province which does not accept for examination the holder of a license to practice dentistry issued by the State Board of Dental Examiners of this state shall be eligible for such examination. The board shall give the applicant such an elementary, theoretical and practical examination as to thoroughly test his fitness for the practice of dentistry, and include therein the subjects of anatomy, physiology, chemistry, materia medica, therapeutics, metallurgy, histology, pathology, and operative, surgical and mechanical dentistry. If the applicant successfully passes the examination he shall forthwith be registered upon the records of the board as a licensed dentist, and shall receive a certificate of registration signed by all members of the board, whereby he shall be authorized to practice dentistry in said state for a period of one year from the date of such certificate and as long as such certificate shall be duly renewed as hereinafter provided. *Provided*, that any dentist, who, for five years or more, has been in legal practice in another state of the United States having and maintaining a standard of laws regulating the practice of dentistry equal to that of this state and is a reputable dentist of good moral character, and is desirous of removing to this state and deposits in person with the board a certificate from the examining board of the state in which he is registered, certifying to the fact of his registration and of his good moral character and professional attainments, and from the state dental society a written recommendation that he be admitted by reciprocity, may, at the discretion of the board, upon payment of a fee of \$50.00 be granted a license to practice in this state without theoretical examination. The board upon hearing, after twenty days' notice thereof, may revoke the license of any one who shall practice dentistry under any other name than the name which appears on his license. Any dentist may have his license revoked or suspended by the board for any of the following causes:

- (1) His conviction of a felony or misdemeanor involving moral turpitude in which case the record of conviction, or certified copy thereof, certified by the Clerk of Court, or by the judge in whose

court the conviction is had, shall be conclusive evidence of such conviction.

(2) For unprofessional conduct, or for gross ignorance or inefficiency in his profession. Unprofessional conduct shall mean the obtaining of any fee by fraud or misrepresentation, habitual intemperance, gross immorality.

The proceedings to revoke or suspend any license under the first sub-division hereof, must be taken by the board on a receipt of a certified copy of the record of conviction. The proceedings under the second sub-division hereof may be taken upon the information of another. All accusations must be in writing, verified by some person familiar with the facts therein charged, and three copies thereof must be filed with the secretary of the board. Upon receiving the accusation, the board shall, if it deem the complaint sufficient, make an order setting the same for hearing at a specified time and place, and the secretary shall cause a copy of the order and the accusation to be served upon the accused, by delivery of the same to him personally, at least ten (10) days before the day appointed in the order of such hearing.

The accused must appear at the time appointed in the order and answer the charges and make his defense to the same, unless for sufficient cause the board assign another day for that purpose. If he does not appear after due service upon him of the accusation and order as aforesaid, the board may proceed and determine the accusation in his absence. If the accused pleads guilty or refuses to answer the charges, or upon the hearing thereof the board shall find them or any of them, true, it may revoke his license or suspend it. The board and the accused may have the benefit of the services of the counsel duly licensed to practice law in this state. The board shall have the authority to administer oaths, to summon witnesses and to take testimony, by deposition or otherwise upon its hearing and when the board or the accused shall desire to secure the presence or testimony of any person before the board, said board or such accused may procure subpoenas from the Clerk of the District Court of the county wherein such hearing is to be had and the clerk of such court is hereby directed to issue such subpoenas in the name of the state commanding the persons whose names shall be given to such clerk by the board or by such accused person, to appear before the board at a certain time and place fixed by the board for such hearing and then and there testify upon such hearing. If any person so commanded to appear and testify shall fail or refuse to obey such subpoena, he shall be dealt with by the district court in the same manner and to the same effect as though such subpoena had commanded such person to appear and testify in a cause on trial in said court. Such person so commanded to appear and testify, shall be entitled to the same fees as witnesses in a district court, and such subpoena shall be served in the manner provided by law for the

service of subpoenas for trials in said courts and shall be substantially the same in form.

§ 3. EMERGENCY.] Whereas, an emergency exists in that the requirements of the law for the practice of dentistry are now unnecessarily stringent, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved, February 26, 1915.

DISTRICT COURT

CHAPTER 120.

[H. B. No. 309—Bratton.]

CLERKS OF DISTRICT COURT TO RETAIN NATURALIZATION FEES.

AN ACT Authorizing Clerks of the District Court to Retain Fees for Naturalization Papers Collected Prior to January 1st, 1915.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Any fees collected prior to January 1st, 1915, by Clerks of the District Court under the provisions of sub-divisions 13, 14 and 15 of Section 3498 of the Compiled Laws of North Dakota for the year 1913, for services performed in connection with naturalization papers and certified copies thereof, and which by reason of the misapprehension of law applicable thereto have not been covered into the county treasury of such county, may be retained by such clerks for their personal use. *Provided*, that this Act shall not apply to or affect fees collected subsequent to January 1st, 1915.

Approved, March 3, 1915.