

of discontinued. Any unreasonable variation between the official test made by the Dairy Commissioner, his deputy or his agent and any test made by any licensed milk or cream tester in the State may be cause for the revocation of or refusal to re-issue a license to any milk or cream buyer in the State.

Sec. 6. ENFORCEMENT ) The provisions of this Act shall be enforced by the State Dairy Commissioner and he shall have authority to make such rules and regulations, not in conflict herewith, as he shall find necessary to carry into effect all the provisions of this Act. Violations of or refusal to comply with this Act, any part thereof, or any legal rules or regulations prescribed by the Dairy Commissioner in enforcing this Act shall be cause for the revocation of the license of any cream buyer or cream tester in this State.

Sec. 7. APPROPRIATION.) There is hereby appropriated out of the general fund of the State not otherwise appropriated the amount of \$4,000 annually to be expended under the direction of the State Dairy Commissioner for the salary of competent assistants, postage, printing, supplies or material necessary in carrying into effect all provisions of this Act.

Approved March 13, 1919.

## DENTISTRY

### CHAPTER 109.

(S. B. No. 58—Wenstrom.)

#### PRACTICE OF DENTISTRY.

An Act to Amend and Re-enact Section 510 of the Compiled Laws of the State of North Dakota for 1913, as Amended by Chapter 119, Laws of North Dakota for the Year 1915, Relating to the Practice of Dentistry.

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

Sec. 1. AMENDMENT.) That Section 510 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 119 of the Laws of North Dakota for the year 1915, is hereby amended and re-enacted so as to read as follows:

Sec. 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 article, desiring to practice dentistry therein, shall apply to the secretary of the board for examination, and pay fee of twenty-five dollars for the first examination and ten dollars for each subsequent examination, which fees shall in no case be refunded. At next regular meeting of the board held after such application is made, the applicant shall present himself for examination and produce a diploma issued 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 prove to the satisfaction of the Board that he has had a preliminary general education equivalent to at least four years of study in some high school or academy in the State of North Dakota having a four year course beyond that of an elementary school. No holder of a degree or diploma from 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 shall upon payment of a fee of fifty dollars be granted a license to practice in this state without examination. The board upon hearing, after twenty days' notice thereof, may revoke the license of any one who, with intent to deceive the public shall practice dentistry under an assumed name.

It shall be no defense for a person prosecuted for practicing dentistry under one name, without license, that he shall have been licensed under a different name, unless it be shown that such practice was without intent to deceive.

Any dentist may have his license revoked or suspended by the board for any of the following causes:

(1) His conviction of 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) Unprofessional conduct, or for gross ignorance or inef-

iciency in his profession. Unprofessional conduct shall mean the obtaining of any fee by fraud or misrepresentation, habitual intemperance, gross immorality.

The proceeding to revoke or suspend any license under the first subdivision hereof, must be taken by the board on a receipt of a certified copy of the record of conviction. The proceedings under the second subdivision 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 for 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 the 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 counsel duly licensed to practice law in this state. The board shall have authority to administer oaths, to summon witnesses and 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 the 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 to testify upon such hearing. If any person so commanded to appear and testify shall fail or refuse to obey such subpoenas, he shall be dealt with by said 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 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 form.

Approved February 18, 1919.