

DENTISTRY

CHAPTER 127

S. B. No. 93—(Crandall and McGillic)

REGULATING LICENSES TO PRACTICE DENTISTRY

An Act to amend and re-enact Section four (4) of Chapter 104 of the Laws of North Dakota for the year 1933, relating to the granting and revocation of licenses to practice dentistry, setting forth the grounds for the revocation thereof and defining unprofessional conduct.

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

§ 1. AMENDMENT.] That Section four (4) of Chapter 104 of the Laws of North Dakota for the year 1933, is hereby amended and re-enacted to read as follows:

§ 510. EXAMINATION. LICENSES, REVOCATION. ASSUMED NAME.] Any person not already a licensed dentist in this State at the time of the going into effect of this Article, desiring to practice dentistry in North Dakota, shall apply to the Secretary-Treasurer of the Board for Examination and enclose with the application, a recent autographed picture of himself, and a fee of Twenty-five Dollars for the first examination and Ten Dollars for any subsequent examination, which fee shall in no case be refundable. 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 recognized by the Board. No person shall be admitted to examination unless he shall prove to the satisfaction of the Board that he is a citizen of the United States, provided, however, that the privileges of such examination are not denied to any citizen applicant therefor who holds a license to practice dentistry in some other State than North Dakota, whose laws and requirements in this particular were equivalent to those operating in North Dakota prior to January 1st, 1920. 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 examination as to thoroughly test his fitness for the practice of dentistry and include therein the subjects of anatomy, physiology, oral surgery, chemistry, materia medica, therapeutics, metallurgy, histology, pathology, bacteriology, orthodontia, prosthetic dentistry, crown and bridge, X-ray, and operative, surgical and mechanical dentistry, and such other subjects as may be deemed by the Board to be necessary or proper. If the applicant successfully passes the examination, he shall forthwith be registered upon the records of the Board as a duly

qualified 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 the calendar year of the date of such certificate and thereafter as long as such certificate shall be annually renewed as hereinafter provided, provided, that any dentist who has for five years or more immediately preceding his application been in legal practice in another State having and maintaining a standard of laws regulating the practice of dentistry equal with this State, including reciprocity provisions, and who is a reputable dentist of good moral character and who is desirous of removing to this State and who deposits in person with the North Dakota Board of Dental Examiners a certificate from the Examining Board of the State in which he is practicing, certifying to the fact of his registration and that he is of good moral character, and a letter from the Secretary of the State dental organization of the State in which he is practicing, certifying that he is a member in good standing of that dental organization, and upon payment of a fee of Fifty Dollars (\$50.00), may, at the discretion of the Board, be permitted by said Board to take the practical examination only, as prescribed by said Board, and upon his demonstrating his ability to the satisfaction of said Board, the Board shall grant to him a license to practice in this State without theoretical examination.

The State Board of Dental Examiners may revoke or suspend the license of any dentist in the manner hereinafter provided, upon any one or more of the following grounds:

- (1) That the holder thereof has been convicted of a felony, or of a misdemeanor involving moral turpitude.
- (2) That the holder thereof has been adjudged insane by the regularly constituted authorities.
- (3) That the holder thereof has been guilty of habitual intemperance or addiction to the use of drugs.
- (4) That the holder thereof employs or permits, or has employed or permitted, unlicensed persons to practice dentistry in the office under his control and management.
- (5) That the holder thereof has become grossly negligent or inefficient in the practice of his profession.
- (6) That the holder thereof has been guilty of unprofessional conduct.

The term unprofessional conduct, as used in Paragraph 6 above, shall be and embrace any one or more of the following practices:

- (a) The obtaining of any fee by fraud or misrepresentation.
- (b) The employment of a solicitor or "capper" to obtain business.
- (c) The wilful betrayal of professional secrets.
- (d) The practice of dentistry under a trade or corporate name or a false or assumed name other than a partnership name containing the names of one or more of the partners or deceased partners;

provided, however, that a licensed dentist, who is associated with an ethical medical clinic, may announce the fact of such association.

(e) The sharing of any professional fee with any one or paying any one for sending or referring patients, provided, however, that this shall not be understood to forbid licensed dentists from practicing in a partnership and sharing one another's professional fees or to forbid a licensed dentist from employing another licensed dentist or dental hygienist.

(f) The giving of a public demonstration of any dental operation except under such circumstances as may be approved by the State Board of Dental Examiners.

(g) The use of any advertising statements of a character tending to deceive or mislead the public.

(h) The use of any advertising in which reference is made to the character or quality of the services performed or to be performed by any dentist, or of the material or medicines used or to be used by him.

(i) The use of any advertising in which reference is made to any price, cost, charge, fee, or terms of credit for the services performed or to be performed, or for material used or to be used.

(j) The use of display signs of a larger area than six hundred (600) square inches or containing letters more than six (6) inches in height.

(k) The use of artificial lighting or illumination of all kinds either as a part of a sign itself, or in a manner which has the effect of making any sign more prominent or conspicuous.

(l) The advertising of any free dental work or any free examination or consultation.

(m) The advertising of a guarantee for any dental services.

(n) The advertising of the performance of any dental operation painlessly.

(o) The use in connection with any advertising of artificial teeth or dentures or any representation of a tooth, teeth, bridge work, or of any portion of the human head.

(p) The use of all newspaper advertising, provided, however, that a dentist shall be permitted to insert a professional card in the local press, or in programs, yearbooks, etc., but such cards must not occupy more space than four column inches and must not include more than the dentist's name, title, address, telephone number, and office hours. If a dentist has a specialty he may also announce that fact, provided, that he has secured the authorization of the State Board of Dental Examiners so to do.

(q) The advertising in any manner herein prohibited, by a dental laboratory or X-ray laboratory which shall be owned or controlled by or operated in connection with the office of any licensed dentist.

The term advertising, throughout this Law, shall include the use, either directly or indirectly, of handbills, posters, circulars, cards, signs, stereopticon slides, motion pictures, radio, newspapers, lectures, and any kind of written or printed publications, including novelty gifts such as calendars, mirrors, match books, etc.

Provided, however, that any person or persons who were engaged in the practice of dentistry under a corporate, trade, or assumed name on January 1, 1937, may, until December 31, 1938:

- (1) Continue to use such corporate, trade, or assumed name.
- (2) Continue to use and maintain all signs which were in place on January 1, 1937.
- (3) Continue the use of newspaper advertising as provided in Sub-section (p) above, except that such advertisements may occupy a space of not more than 8 column inches and such person or persons may use his, her or their personal names as successor to the corporate, trade or assumed name heretofore used.

In any proceeding to revoke or suspend any license upon the ground that the holder thereof has been convicted of a crime or adjudged insane, certified copies of the records of the Court in which such conviction or adjudication of insanity was had shall be conclusive evidence of the facts therein stated. All proceedings for the revocation or suspension of any license may be initiated upon motion of the State Board of Dental Examiners or 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-Treasurer 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-Treasurer shall cause a copy of the order and the accusation to be served upon the accused, by delivery of the same to him personally, or by registered mail, at least twenty (20) 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 power to administer oaths, and summon witnesses and take testimony upon such 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 name 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 subpoenas had commanded such person to appear and testify in a cause or trial in said Court. Such persons 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. Testimony of witnesses not subject to subpoena may be taken, upon notice, certified and returned to the secretary-treasurer of the Board in the same manner as is provided by the law applicable to civil cases in District Court.

§ 2. SAVING CLAUSE.] If any clause, sentence or part of this Act shall for any reason be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not impair nor invalidate the remainder of the Act, but shall be confined in its operation to that part adjudged invalid.

Approved February 16, 1937.

DIVORCE

CHAPTER 128

H. B. No. 324—(Knudson of Steel and Leum)

PROCEDURE IN DIVORCE ACTIONS

An Act to amend and re-enact Section 4400 of the Supplement to the 1913 Compiled Laws of North Dakota, relating to the affirmative proof required in divorce actions.

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

§ 1. AMENDMENT.] That Section 4400 of the Supplement to the 1913 Compiled Laws of North Dakota is hereby amended and re-enacted to read as follows:

§ 4400. Affirmative proof required. No divorce can be granted upon the default of the defendant, or upon the uncorroborated statement, admission or testimony of the parties, or upon any statement or finding of fact made by a referee; but the Court must in addition to any statement or finding of the referee require proof of the facts alleged.

Approved March 17, 1937.