

7305. Within three months after his appointment, every executor and administrator shall make and return to the court a verified inventory and appraisalment of all the real and personal estate of the decedent which shall have come to his possession or knowledge. Such property shall be classified therein as follows: 1. Real estate. 2. Furniture and household goods. 3. Wearing apparel and ornaments. 4. Stock in banks and other corporations. 5. Mortgages, bonds, notes and other written evidence of debt. 6. All other personal property.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 23, 1919.

CHAPTER 386—S. F. No. 466.

An act to amend Sections 5015, 5016, 5017, 5018, 5019, 5020 and 5021, General Statutes of Minnesota for the year 1913, relating to the powers and duties of the state board of dental examiners and the licensing of dentists and the practicing of dentistry and fixing the fees to be charged therefor in the state of Minnesota, and providing penalties for the violation thereof, and providing for the manner of taking appeals from orders made by the board of dental examiners.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Board of dental examiners—Appointment.**—That section 5015, General Statutes of Minnesota for the year 1913, be amended so as to read as follows:

The board of dental examiners shall consist of *five* practicing dentists of the state appointed by the governor, each for the term of three years and until his successor qualifies, and no member shall serve more than two successive terms *provided, however, that up to and including December 31, 1919, the board shall consist of six such practicing dentists.* The board shall at all times include four members who shall have been appointed on the recommendation of the Minnesota state dental association, if such recommendation be made at least ninety days before the term of the member of that class expires; otherwise the governor may appoint without such recommendation. Every vacancy caused otherwise than by the expiration of a term shall be filled in the same manner and from the class to which the retiring member belongs. If the association is entitled to and fails to recommend a candidate for such unexpired term within thirty days after the vacancy occurs the governor may appoint without such recommendation. If a member shall be absent from two consecutive regular meetings, the board shall declare a vacancy to exist. The association shall recommend not less than two candidates for each appointment.

Sec. 2. **Officers—Meetings—Compensation—Reports.**—That section 5016, General Statutes of Minnesota for the year 1913, be amended so as to read as follows:

The board shall elect from its members a president and secretary *and treasurer*, and shall have a common seal. It shall hold *at least two regular meetings each year at times to be fixed by the board, and may hold special meetings as occasion demands.* All meetings shall be held at the college of dentistry of the state university. Out of the funds coming into the possession of said board, the members thereof shall receive as compensation the sum of ten (\$10.00) dollars per day and necessary traveling expenses for each day actually engaged in the duties of their offices as examiners. The secretary shall in addition thereto, be paid a salary to be fixed by resolution by the board, *which up to January 1, 1920, shall not exceed five hundred (\$500) dollars per year, and thereafter, shall not exceed nine hundred (\$900) dollars per year.* All moneys received by said board in excess of the expenditures for per diem allowance, traveling expenses and salary of the secretary, as above provided for, shall be held by the secretary of said board as a special fund for printing, postage, and other necessary expenses of the board for carrying out the provisions of this act. The secretary of the board shall give a bond in an amount to be fixed by resolution of the board, and in form to be approved by the attorney general conditioned for the faithful discharge of his official duties.

Before December 15th in each year the board shall report its proceedings and the items of its receipts and disbursements to the governor of the state of Minnesota.

Sec. 3. **Dentistry—Practicing of defined.**—That section 5017, General Statutes of Minnesota for the year 1913, be amended so as to read as follows:

All persons shall be said to be practicing dentistry within the meaning of this act, who shall do any of the acts comprehended within any or all of the following subdivisions.

1. *Using or permitting to be used, the word or letters "Dentist" or "D. D. S.," "D. M. D.," or any other words or letters in connection with his name which in any manner represents him as engaged in the practice of dentistry.*

2. *By himself, or his servants or agents, operating or conducting a place wherein dental examinations, operations or acts prescribed in clause 4 hereof, are performed or attempted to be performed, or advertised as a place where they are performed or attempted to be performed.*

3. *By himself, or his servants or agents, advertising or permitting to be advertised by sign, circular or hand bill, newspaper or otherwise, that he will perform or attempt to perform any of the dental examinations, operations or acts prescribed in clause 4 hereof.*

4. *By himself, his servants or agents, and for a fee, salary or other reward paid or to be paid either to himself or to any other person for him diagnose, treat, operate or prescribe for, or attempt*

to diagnose, treat, operate or prescribe for any disease, lesion, pain, injury, defect, deformity, or physical condition of the human teeth, alveolar process, gums, or jaws, or replace teeth by artificial ones, or correct malpositions thereof.

Provided, however, that this section—

A. Shall not prohibit nonlicensed persons from doing mechanical work upon inert matter in dental offices or laboratories.

B. Shall not apply to students enrolled in and regularly attending any dental college recognized by the state board of dental examiners, provided their acts are done in said dental college and under the direct supervision of their instructor.

C. Shall not apply to a legally qualified and licensed physician or surgeon in the performance of surgical operations, or who in emergency cases extracts teeth or relieves pain or prescribes for the relief of pain.

D. Shall not apply to licensed or registered dentists of another state temporarily operating a clinic under the auspices of a duly organized and reputable dental college, or reputable dental society, or to one lecturing before a reputable society composed exclusively of dentists.

E. Shall not apply to licensed dental nurses in the performance of their duties as provided by law.

In the construction of this section, the word "person" shall be deemed to include all individuals, corporations, or associations. The word "himself" shall be construed to include "herself," "themselves," or "itself." The word "his" shall be construed to include "her," "them," or "it." The singular shall include the plural.

F. Shall not apply to any person who ministers to or treats the sick or suffering by mental or spiritual means, whether gratuitously or for compensation, without the use of any drug or material remedy.

Sec. 4. Examinations — License — Revocation — Assumed name.—That section 5018, General Statutes of Minnesota for the year 1913, be amended so as to read as follows:

A person not already a licensed dentist of the state desiring to practice dentistry therein, shall apply to the secretary of the board for examination and pay a fee of *twenty-five (\$25.00) dollars* for the first examination and *twenty-five (\$25.00) dollars* for each subsequent examination which in no case shall be refunded. At the next regular meeting he shall present himself for examination and produce his diploma from some dental college of good standing, of which standing the board shall be the judges, also satisfactory evidence showing that the applicant is of good moral character. The board shall give the applicant such an elementary, practical examination as to thoroughly test his fitness for the practice and include therein the subjects of anatomy, physiology, chemistry, materia-medica, therapeutics, metallurgy, histology, pathology, and

operative, surgical and mechanical dentistry; and the applicant shall be required to demonstrate his skill in operative and mechanical dentistry. If the applicant successfully passes the examination, he shall be registered by the board as a licensed dentist, and supplied with a license signed by all members of the board of dental examiners.

Provided that any dentist who has for five years or more been in legal practice in another state having and maintaining an equal standard of laws regulating the practice of dentistry with this state, including reciprocity provisions, and is a reputable dentist of good moral character, and is desirous of removing to this state and deposits in person with the board of dental examiners a certificate from the examining board of the state in which he is registered, certifying to the fact of his registration and that he is of good moral character and professional attainments, and upon payment of a fee of fifty (\$50.00) dollars may, at the discretion of the board, be granted a license to practice in this state without further theoretical examination.

The board of dental examiners may upon written charges filed and after hearing had thereon after twenty days written notice thereof to the accused, served either personally or by registered mail, addressed to the accused at his last address as known to the board of dental examiners, and in such case also publishing a copy of the notice once a week for two consecutive weeks in a legal newspaper published in the village, town or city wherein the accused last resides to the knowledge of the board of dental examiners, suspend or revoke a license obtained by fraud or misrepresentation, or the license of any dentist found guilty of violating this act by a court of competent jurisdiction, or convicted subsequent to the date of his license of a misdemeanor involving moral turpitude or of a felony, or who becomes habitually intemperate or addicted to drugs, or is guilty of gross immorality, or advertises with a view of deceiving or defrauding the public, or is not otherwise of good moral and upright character.

Provided, however, if any person is aggrieved by any order of said board he may appeal from any such order to the district court of the county in which he resides within thirty days after notice from the board of the filing of said order. The notice of appeal shall state that he appeals to the district court of the county wherein he resides and said notice shall be signed by the person appealing or his attorney, a copy of which notice shall be mailed to the secretary of said board at St. Paul, Minnesota, by registered mail at the usual postoffice of the person appealing or his attorney. Said notice of appeal, with proof of mailing of a copy thereof to the secretary of said board, registered as aforesaid, shall be filed in the office of the clerk of the district court of said county within ten days after mailing thereof, and such appeal shall suspend opera-

tion of the order appealed from until the appeal is finally determined. The trial of all issues on such appeal shall be de novo by the court and such appeal shall be heard and tried in the same manner as other issues of law and fact are heard and tried in such court, and the order appealed from shall have no force or effect in the determination of such appeal. The district court shall hear and determine the appeal within ten days or as soon thereafter as possible from the date of the filing of the proof of mailing of said notice of appeal, at any place in the judicial district to be designated by any of the judges of said court. Upon the trial of said appeal the court may confirm, reverse or modify any order of said board appealed from.

A stenographic record shall be kept of all such proceedings.

In such proceedings the board of dental examiners shall have power to compel the attendance of witnesses by subpoena and to compel the giving of testimony under oath.

Any dentist whose license has been suspended or revoked, may be reinstated and a new license issued to him when in the judgment of the board of dental examiners such action is warranted, provided such reinstated dentist shall pay all the costs of the proceedings resulting in his suspension and reinstatement, and in addition thereto a fee of twenty-five (\$25.00) dollars.

Within ninety (90) days after the passage of this act the secretary of the board of dental examiners shall file with the secretary of state a complete list of all licenses heretofore issued and remaining unrevoked by the state board of dental examiners. The secretary of said board of dental examiners shall likewise notify the secretary of state of any licenses subsequently issued or revoked within ten (10) days after issuance or revocation by the state board of dental examiners. Said name so filed with the secretary of state shall be listed by the latter in a book kept for that purpose.

Sec. 5. Annual fee.—That section 5020, General Statutes of Minnesota for the year 1913, be amended so as to read as follows:

Before the first of May in each year every licensed dentist shall pay to the board a license fee of one (\$1.00) dollar, and in default of such payment the board may, upon hearing and upon twenty (20) days' notice revoke the license of the dentist in default; but the payment of such fee on or before the time of hearing, with such additional sum not exceeding five (\$5.00) dollars, as may be fixed by the board, shall excuse the default. The board may collect such fee by suit.

In case of a lost license, and satisfactory proof of the loss or destruction thereof being furnished to the board, the latter may issue a duplicate license, charging a fee therefor, of one (\$1.00) dollar.

Sec. 6. Prohibition—Penalties—Disposition of fines.—That section 5021, General Statutes of Minnesota for the year 1913, be amended so as to read as follows:

Any person, firm, association or corporation, found guilty of any of the following acts, shall be deemed guilty of a misdemeanor, and in this connection all officers, agents or employes of a corporation or association participating therein, shall be likewise guilty of a misdemeanor.

1. *Practicing dentistry as in this law defined, without being first duly licensed.*

2. *Owning, running, operation, or conducting any room or rooms, office or dental parlors, where dentistry is practiced as defined in this act, or where dental work of any kind is done or performed or contracted for, wherein an unlicensed person is practicing dentistry contrary to the provisions of this law.*

3. *Falsely pretending that he holds a license to practice dentistry in this or any other state or country.*

4. *Practicing or offering to practice, or hold oneself out as practicing dentistry under any name except his or her own proper name which shall be the name used in his or her license granted to him or her as a dentist, as provided for in this article. Using the name of any company, association, corporation, trade name or business name in connection with the practice of dentistry as defined in this law.*

5. *Operating, managing or being employed in any room or rooms, or office, where dental work is done or contracted for, or advertised to be done, where solicitors are employed.*

6. *Making any willfully false statement in any affidavit or other statement required by the board of dental examiners of any applicant for a license.*

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

Whoever shall be convicted of a misdemeanor for a violation of any of the provisions of this act, shall be punished for the first offense by imprisonment in the county jail for not more than three (3) months, or by a fine or not more than one hundred (\$100.00) dollars. For each conviction subsequent to the first: as to any corporation by a fine of one hundred (\$100.00) dollars, and as to any individual by imprisonment in the county jail for not less than thirty (30) days nor more than three months.

All fines collected under the provisions hereof, shall be paid into the school fund of the county in which the conviction occurred.

The board of dental examiners may, when it deems best for the enforcement of this law, employ such attorney as the attorney general shall appoint, the compensation of such attorney to be paid out of the funds of the board of dental examiners.

Sec. 7. Dentists prohibited from dividing fees.—*It shall be unlawful for any dentist to divide fees with, or to promise to pay a part of his fee to, or to pay a commission to any other dentist who calls him in consultation or sends patients to him for treatment or operation, but nothing herein shall prevent licensed dentists forming a partnership for the practice of dentistry, nor to the regular employment of a licensed dentist by another licensed dentist. Any dentist violating this section shall be guilty of a misdemeanor and shall be punished by a fine of not to exceed one hundred (\$100.00) dollars, or imprisonment in the county jail not to exceed ninety (90) days.*

Sec. 8. Not to apply to dentists now practicing.—*Provided that the provisions of this act shall not apply to persons lawfully engaged in the business or practices of dentistry at the present time.*

Sec. 9. Inconsistent acts repealed.—*This act shall become effective from and after its passage, and all acts or parts of acts inconsistent herewith are hereby repealed.*

Approved April 23, 1919.

CHAPTER 387—S. F. No. 474.

An act to validate certain bonds heretofore purchased by the state board of investment with the funds of the state of Minnesota. Be it enacted by the Legislature of the State of Minnesota:

Section 1. Definition.—*The word "municipality" as used herein shall be held to mean and include the various counties, cities, villages, boroughs, towns and school districts in the state of Minnesota.*

Sec. 2. Validity of bonds not to be questioned.—*Whenever the state board of investment shall have heretofore purchased with the funds of the state of Minnesota the bonds of any municipality in this state, the validity of any such bond shall never be questioned except on the ground that the same and the loan made thereon was not approved by the state board of investment; that the bond in question made the entire bonded indebtedness exceed fifteen (15) per cent of the assessed valuation of the taxable property of the municipality issuing such bonds; that such bonds bear a lower rate of interest than three (3) per cent; that such bonds run for a shorter period than five years, or for a longer period than twenty years; or that the principal thereof was never paid by the state to, or received by the officers of the municipality issuing the same; and no change of the boundary lines of any such municipality shall relieve the real property therein at the time of the issuing of such bonds from any liability from taxation to pay for the same, and all such bonds so purchased are hereby declared to be the valid and subsisting indebtedness of each municipality respectively issuing the same.*

Approved April 23, 1919.