

not less than 29,000 and not more than 33,000 inhabitants, according to the last preceding federal or state census, the clerk hire to be allowed to the county auditor, the county treasury, and the register of deeds therein, shall be as follows:

The maximum amount to be allowed the county auditor for clerk hire shall not exceed \$3600, per annum.

The maximum amount to be allowed the county treasurer for clerk hire shall not exceed \$2400, per annum.

The maximum amount to be allowed the register of deeds for clerk hire shall not exceed \$900, per annum.

Provided, further, that the county board of said county shall fix and determine the clerk hire of each of the respective offices, not exceeding the maximum amount herein provided.

Sec. 2. All acts and parts of acts inconsistent herewith are hereby modified, amended, and repealed, so far as necessary to give full force and effect to the provisions of this act; provided however that nothing herein contained shall be construed as repealing or modifying Laws 1931, Chapter 139, or Mason's Minnesota Statutes of 1927, Section 837-1.

Approved April 1, 1935.

CHAPTER 95—H. F. No. 210.

An act defining and regulating the practice of dentistry in the State of Minnesota; establishing a State Board of Dental Examiners, defining its powers, prescribing its duties, providing for the appointment of its members and fixing their terms of office and compensation; providing for the licensing and registering of dentists and for the suspension, revocation and reinstatement of licenses; providing for the enforcement of this Act and penalties for its violation; and repealing Mason's Minnesota Statutes of 1927, Section 5757, 5758, 5759, 5760, 5762, as amended by Laws 1933, Chapter 8, and 5763.

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

Section 1. **State Board of Dental Examiners created.**—There is hereby created a State Board of Dental Examiners (hereinafter called the Board) whose duty it shall be to carry out the purposes and enforce the provisions of this act. Said Board shall consist of five qualified resident dentists appointed by the Governor, within 60 days after this act shall take effect, in the manner hereinafter prescribed. The terms of office of the members first appointed shall begin when they

are appointed and qualify and shall continue thereafter for the following periods: two members until October 1, 1936; two members until October 1, 1937; one member until October 1, 1938. Upon the expiration of such terms respectively, the Governor shall appoint a successor to the member whose term expires, for a term of three years and until his successor shall have qualified. For each of the above terms of the first Board to be appointed hereunder, the Minnesota State Dental Association shall recommend to the Governor not less than two dentists qualified to serve on said Board and the Governor may make the appointment for each term from the list of persons so recommended. Each year thereafter said Minnesota State Dental Association, at least 90 days prior to the expiration of the term or terms expiring in such year, shall recommend to the Governor not less than two dentists, for each term, qualified to serve on said Board, and from the list of persons so recommended the Governor may appoint one member to said Board for each of said terms of three years, said appointment or appointments however, to be made within 30 days after the expiration of said term or terms. Within 60 days after the occurrence of any vacancy in said Board, the said Minnesota State Dental Association shall recommend to the Governor not less than two dentists qualified to serve on said Board, and from the list of persons so recommended the Governor, within 30 days after receiving such list of persons, may appoint one member to said Board for the unexpired term occasioned by such vacancy, and any appointment to fill a vacancy shall be made within 90 days after the occurrence of such vacancy. Provided however, that each Board member shall have been lawfully in active practice in this state for five years immediately preceding his appointment; and no Board member shall serve more than two consecutive terms. The members of the State Board of Dental Examiners heretofore appointed and now holding office shall continue in office until the appointment and qualification of the members of such Board as herein provided.

Sec. 2. Board — officers — salaries and expenses. — The Board shall elect from its members a president, vice-president, and a secretary-treasurer. The Board shall have a common seal. The Board shall hold two regular meetings each year at times to be fixed by the Board and special meetings at such other times as may be necessary, and as the Board may determine. All meetings shall be held at such places within the State of Minnesota as the Board shall determine. Out of the funds coming into the possession of said Board, the members thereof shall receive as compensation the sum of ten dollars per day and necessary traveling expenses for

each day actually engaged in the duties of their offices. The secretary-treasurer shall, in addition thereto, be paid a salary of not to exceed \$1200.00 per year, the amount of said salary to be set by resolution of the Board, which shall be in full for all secretarial, clerical and stenographic services for said Board. All fees received by the State Board of Dental Examiners under this act shall be paid to the secretary-treasurer thereof who shall deposit the same each month with the State Treasurer, the said fees to be kept in a separate fund for the sole use and under the sole control of said Board in carrying out the purposes of this act. Payments out of said fund shall be made only upon written orders issued and signed by the president of said Board and the secretary-treasurer thereof. No expense shall be incurred by said Board in excess of the revenue derived from such fees. The president and the secretary-treasurer of the Board shall give a bond in the amount of \$10,000.00 and in form to be approved by the Attorney General and conditioned for the faithful discharge of their official duties respectively. Before January 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. The Board shall have the power to expend the necessary funds for its offices and furniture, fixtures and supplies. The Board in its discretion may affiliate with the National Association of Dental Examiners, as an active member and pay regular annual dues to said Association and may send a member of the Board as a delegate to the meeting of the said National Association of Dental Examiners. Such delegate may receive the per diem above provided for the time spent in attending such meetings and reimbursement for actual and necessary traveling expenses.

In all matters pending before it, the Board shall have the power to compel the attendance of witnesses, the production of all necessary papers, books, records, documentary evidence and materials, and any member of the Board may in such matters administer an oath to witnesses or take their affirmation. If any person shall fail or refuse to appear or testify regarding any matter about which he may be lawfully questioned, or to produce any papers, books, records, documentary evidence or materials in the matter to be heard, after having been required by order or subpoena of the Board so to do, any judge of the District Court in any county of the state, on application of the Board shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of a similar order or subpoena issued by such court.

The Board shall have the power to make such rules and regulations as are reasonably necessary to carry out and make effective the provisions and purposes of this act.

Sec. 3. Who may practice.—Every person shall be deemed to be practicing dentistry within the meaning of this act: who is a manager, proprietor, operator or conductor of a place where the practice of dentistry is carried on, or who for a fee, gift, compensation or reward, or in expectation thereof, paid or to be paid either to himself or to another person, or who gratuitously performs or holds himself out to the public in any manner that he will perform dental operations of any kind, or who diagnoses or treats disease, lesions, malocclusion or mal-position of the human teeth or jaw mechanically or medically, or by the use of x-ray, or who attempts to correct mal-positions thereof, or who attempts to perform any operation incident to the replacement of the teeth, or who uses the word "Dentist", "Dental Surgeon", the letters "D.D.S.", "D.M.D.", or any other letters or titles in connection with his name which in any way represent him as being engaged in the practice of dentistry.

Provided however, that this section:

(1) Shall not apply to the construction, making alteration or repairing of bridges, crowns, dentures, or other prosthetic appliances or orthodontic appliances when the casts or impressions for such work have been made or taken by a licensed dentist; provided however, a written authorization signed by a licensed dentist must accompany the order for such work or such work must be performed in the office of a licensed dentist under his direct supervision. The burden of proving such written authorization or direct supervision shall be upon the person charged with the violation of this act.

(2) 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.

(3) Shall not apply to a duly licensed physician and surgeon unless he practices dentistry as a specialty.

(4) 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.

(5) Shall not apply to licensed dental hygienists in the performance of their duties as provided by law.

(6) Shall not apply to the practice of dentistry by full time dentists in the discharge of their official duties in the United States Army, the United States Navy, the United States Public Health Service, or the United States Veterans' Bureau.

(7) Shall not apply to any person who ministers or treats the sick or suffering or who treats for the purpose of preventing sickness or suffering by mental or spiritual means exclusively.

Sec. 4. Licenses—examinations.—A person not already a licensed dentist of the state desiring to practice dentistry therein, shall apply to the secretary-treasurer of the Board for examination and pay a fee of \$25.00 for the first examination and \$25.00 for each subsequent examination which in no case shall be refunded. At the next regular meeting he may present himself for examination and produce his diploma from some dental college of good standing, of which standing the Board shall be the judge, also satisfactory evidence showing that the applicant is of good moral character. Provided, however, that every applicant for a license to practice dentistry whether by examination or reciprocity, shall produce evidence satisfactory to the Board that he is a citizen of the United States. The Board shall give the applicant such an elementary examination as to thoroughly test his fitness for the practice and include therein the subjects of anatomy, physiology, chemistry, materia medica, therapeutics, metalurgy, 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 is lawfully practicing dentistry in another state having and maintaining an equal standard of laws regulating the practice of dentistry with this state, including reciprocity provisions with 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 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 \$50.00 may, at the discretion of the Board, be

granted a license to practice in this state without further theoretical examination.

Provided further that the Board may in its discretion waive the theoretical examination as to the holder of a certificate of qualification from the National Board of Dental Examiners upon the presentation of said certificate from the National Board of Dental Examiners, the said applicant and holder of such certificate having been at the time of said application the lawful possessor of a diploma from a dental college in good standing of which the Board shall be the judge, and upon the furnishing of satisfactory proof of good moral character and upon the payment of a fee of \$50.00.

The Board may by order suspend or revoke, in the manner hereinafter provided, any license issued heretofore or hereunder upon any of the following grounds:

1. Fraud or deception in connection with the securing of such license;
2. Conviction of the holder in any court of a felony;
3. Conviction of the holder in any court of an offense involving moral turpitude;
4. Habitual indulgence in the use of narcotics or intoxicating liquors;
5. Conduct unbecoming a person licensed to practice dentistry or contrary to the best interests of the public;
6. Gross immorality;
7. Employing, assisting or enabling in any manner an unlicensed person to practice dentistry;
8. Violation of any of the provisions of this act; Provided that before the Board shall order any such suspension or revocation it shall on its own motion cause an investigation to be made and a citation to issue under the seal of the Board and signed by the Secretary-treasurer requiring the holder to show cause at a certain date why his license should not be suspended or revoked on the grounds specified therein; the holder of such license shall have 20 days notice of the hearing and be entitled to be represented by an attorney; a certified copy of the conviction of any dentist shall be conclusive evidence as to the conviction in any proceeding before the Board. A stenographic record shall be kept of all such proceedings. The action of the Board in suspending or revoking a license hereunder shall be subject to review by a writ of certiorari

brought in the District Court of Ramsey County. The action of the Board shall stand until otherwise directed by the District Court or by the Supreme Court of the State of Minnesota upon appeal.

Any dentist whose license has been suspended or revoked may be reinstated or a new license issued to him, as the case may be, when in the discretion of the Board, such action is warranted, provided such dentist shall pay all costs of the proceedings resulting in his suspension or revocation of license and reinstatement or new license and in addition thereto a fee of \$25.00.

The secretary-treasurer of the Board shall notify the Secretary of State of all licenses issued, suspended or revoked within ten days after issuance, suspension or revocation. Said names so filed with the Secretary of State shall be listed by the latter in a book kept for that purpose.

Sec. 5. Annual registration fee.—On or before the first day of May in each year every licensed registered dentist shall pay to the Board of Dental Examiners an annual registration fee of two dollars, and in default of such payment the Board may, upon hearing and upon 30 days notice revoke the license of the dentist in default, but the payment of such fee on or before the date of hearing, with an additional sum of five dollars shall excuse the default. The Board may collect such fee by suit. At least 30 days before said May 1st written notice duly signed by the president or secretary-treasurer of the Board stating the amount and due date of said fee shall be sent to each such licensed dentist.

Every licensed dentist upon changing his place of business shall, within ten days thereafter furnish the secretary-treasurer of the Board of Dental Examiners with his new address.

In case of a lost or destroyed license, and upon 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 two dollars.

Sec. 6. Certain acts unlawful.—It shall be unlawful for any person or persons to practice dentistry under the name of a corporation, company, association or trade name; or under any name except his or her own proper name which shall be the name used in his or her license as issued by the State Board of Dental Examiners; or to conduct, maintain, operate, own or provide a dental office in the State of Minnesota either directly or indirectly, or by his or her agents

or employees or for such person or persons to hold themselves out to the public directly or indirectly, or through agents or employees, as soliciting patronage or as being qualified to practice dentistry in this State or to operate, manage or be employed in any room, rooms or office where dental service is rendered or contracted for, under the name of any corporation, company, association or trade name; provided, however, that any person or persons now practicing dentistry under any corporation, company, association or trade name may use his, her, or their personal names as such successor to the name now used until December 31, 1936, after which date the use of all corporation, company, association or trade names shall be discontinued, provided further that the provisions of this section shall not apply to any licensee who is an instructor in or under the University of Minnesota, or any other school of Dentistry in the State of Minnesota recognized by the State Board of Dental Examiners. Every person violating this section shall be guilty of a gross misdemeanor.

Sec. 7. Corporations not to practice dentistry.—No corporation shall practice dentistry or engage therein, or hold itself out as being entitled to practice dentistry, or furnish dental services or dentists, or advertise under or assume the title of dentist or dental surgeon or equivalent title or furnish dental advice, or advertise or hold itself out with any other person or alone, that it has or owns a dental office or can furnish dental service, dentists or dental surgeons or solicit through itself, or its agents, officers, employees, directors or trustees, dental patronage for any dentist or dental surgeon. Any corporation violating the provisions of this section shall be guilty of a gross misdemeanor, and shall be fined not more than \$1,000.00 for each offense, and each day that this act is violated shall be considered a separate offense.

Sec. 8. Unlawful advertising prohibited.—It shall be unlawful for any person, firm or corporation to publish, directly or indirectly, or circulate any fraudulent, false or misleading statements as to the skill or method of practice of any person or operator in the practice of dentistry; or, in any way to advertise to practice dentistry without causing pain; or to advertise in any manner with a view of deceiving the public, or in any way that will tend to deceive or defraud the public; or to claim superiority over other dental practitioners; or to publish reports of cases or certificates of same in any advertising media; or to advertise as using any anesthetic, drug, formula, material, medicine, method or system, or to advertise free dental services or examinations; or to advertise any amount as a price or fee for the service or

services of any person engaged in the practice of dentistry, or for any material or materials whatsoever used or to be used; or to employ "cappers" or "steerers" to obtain patronage or to exhibit or use specimens of dental work, posters, or any other media calling attention of the public to any person engaged in the practice of dentistry; or to give a public demonstration of skill or methods of practicing dentistry at any place other than his office where he is known to be regularly engaged in the practice of his profession; and every person committing an offense against any of the provisions of this section shall be guilty of a gross misdemeanor; provided, that any licensed and registered dentist may announce by way of a professional card containing only the name, title, degree, office location, office hours, phone number, and residence address and phone number, if desired, and if he limits his practice to a specialty he may announce it, but such card shall not be greater in size than eight column inches, and such information may be inserted in public print when not more than two columns in width and four inches in depth; or announce his change or place of business, absence from; or return to business in the same manner; or issue appointment cards to his patients, when the information thereon is limited to matter pertaining to the time and place of appointment and that permitted on the professional card; or display the name of the licensee, on the premises where engaged in the profession, upon the windows thereof and by a door plate or name on office directory when the information is limited to that of the professional card. Provided, that the name and title of the registrant shall not be displayed in lettering larger than seven inches.

Sec. 9. Exempt from jury duty.—All persons now authorized to practice dentistry in this State and those who may be hereafter authorized under the provisions of this act shall be exempt from service as jurors in all of the courts of the State during the continuance of the practice of their profession.

Sec. 10. Violation a gross misdemeanor.—Every person who shall practice or attempt to practice dentistry in this State without being licensed or without being registered for that purpose or who violates any of the provisions of this act for which no specific penalty is provided herein, shall be guilty of a gross misdemeanor, and shall upon conviction be punished by a fine of not more than \$1000.00 or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment. The Board of Dental Examiners may, when

it deems best for the enforcement of this Section, and in making investigations, and in conducting hearings relative to the suspension or revocation of license, employ such help as in its discretion is necessary including such attorney as may be designated by the Attorney General; the Board to fix and determine the compensation and period of service of every such person, including such attorney; all of such persons to be paid out of the funds of such Board.

Sec. 11. Certificate must be posted.—Every practitioner of dentistry must display conspicuously in the dental office where he is practicing, his annual registration certificate. Every person who violates this section shall be guilty of a misdemeanor.

Sec. 12. Fraud in securing licenses.—Every person implicated in employing fraud or deception in applying for or securing a license to practice dentistry or in registering annually under this act, shall be guilty of a gross misdemeanor. It shall be the duty of the Clerk of the Court wherein any conviction is had under this section, to file a certified copy thereof with the State Board of Dental Examiners, and thereupon the secretary-treasurer of said Board shall cancel such license or such certificate of registration as the case may be, upon the records of his office. For filing a certified copy of such conviction with the secretary-treasurer of the State Board of Dental Examiners, the Clerk of Court shall charge a fee of one dollar.

Sec. 13. Defenses.—In the prosecution of any person for violation of this act it shall not be necessary to allege or prove want of a valid license to practice dentistry, but such matter shall be a matter of defense to be established by the defendant.

Sec. 14. May not divide 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 dentist or any other person, who calls him in consultation or who sends patients to him for treatment, or operation, but nothing herein shall prevent licensed dentists from forming a bona fide partnership for the practice of dentistry, nor to the actual employment of a licensed dentist by another licensed dentist. Any person violating this section shall be guilty of a misdemeanor and shall be punished by a fine of not to exceed \$100.00, or imprisonment in the county jail not to exceed 90 days.

Sec. 15. Provisions severable.—The various provisions of this act shall be severable and if any part or provisions shall

be held to be invalid it shall not be held to invalidate any other part or provisions hereof.

Sec. 16. Laws repealed.—Mason's Minnesota Statutes of 1927, Sections 5757, 5758, 5759, 5760, 5762, as amended by Laws 1933, Chapter 8, and 5763 are hereby repealed and all moneys, property and property rights belonging to and under the control of the State Board of Dental Examiners referred to in said Sections, are hereby transferred and appropriated to the control and use of the Board hereunder, and for the purposes provided herein.

Sec. 17. Effective July 1, 1935.—This act shall take effect and be in force from and after July 1st, 1935.

Approved April 1, 1935.

CHAPTER 96—S. F. No. 261.

An act to amend Laws 1929, Chapter 283, Section 6, relating to apportionment and use of moneys accruing to the State Road and Bridge Fund from taxes imposed on the use of gasoline.

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

Section 1. Uses of gasoline tax money.—That Laws 1929, Chapter 283, Section 6, be and the same hereby is amended to read as follows:

“Sec. 6. The moneys apportioned to each county under the provisions hereof shall be used solely in the construction, improvement and maintenance of county aid roads therein, *including bridges, culverts and other structures appurtenant to such county aid roads*, and shall be expended by the county board on such county aid roads as it shall determine and in the manner herein provided. All county aid roads constructed under the provision of this act shall be construed under the supervision and according to plans and specifications made by the county highway engineer, filed with the county auditor and approved by the county board.”

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

Approved April 1, 1935.