

CHAPTER 150

DENTISTS, DENTAL HYGIENISTS

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DENTISTS

150.01 STATE BOARD OF DENTAL EXAMINERS. There is hereby created a state board of dental examiners whose duty it shall be to carry out the purposes and enforce the provisions of this chapter. The board shall consist of five qualified resident dentists appointed by the governor. The terms of office of the members shall be three years and until their successors qualify. The governor shall appoint a successor to the member whose term expires, for a term of three years and until his successor qualifies. Each year the 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 the board, and from the list of persons so recommended the governor may appoint one member to the board for each of these terms of three years, these appointments to be made within 30 days after the expiration of the term or terms. Within 60 days after the occurrence of any vacancy in the board, the Minnesota state dental association shall recommend to the governor not less than two dentists qualified to serve on the 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 the board for the unexpired term occasioned by such vacancy, and such appointee shall be eligible to serve two or more consecutive terms; any appointment to fill a vacancy shall be made within 90 days after the occurrence of such vacancy; provided, 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.

[1935 c 95 s 1; 1957 c 231 s 1] (5762-1)

150.02 OFFICERS; SALARIES, EXPENSES, BONDS. Subdivision 1. The state board of dental examiners shall elect from its members a president, a vice-president, and a secretary-treasurer. The board shall have a common seal. It shall hold two regular meetings each year, at times to be fixed by it, and in its discretion may give examinations to applicants at either one or both of such regular meetings. It may hold special meetings at such other times as may be necessary and as it may determine. All meetings shall be held at such places within the state as the board shall determine. Out of the funds coming into the possession of the board, the members thereof shall receive as compensation the sum of \$25 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 \$2,500 per year, the amount of salary to be set by resolution of the board. The board may expend funds not in excess of \$2,500 per year for secretarial, clerical and stenographic services for the board. All fees received by the board under this chapter shall be paid to the secretary-treasurer thereof, who shall deposit the same each month with the state treasurer, the fees to be kept in a separate fund for the sole use and under the sole control of the board in carrying out the purposes of this chapter. Payments out of this fund shall be made only upon written orders issued and signed by the president of the board and the secretary-treasurer thereof. No expense shall be incurred by the board in excess of the revenue derived from such fees. The president and secretary-treasurer of the board shall give a bond in the amount of \$10,000, in form to be approved by the attorney general, and con-

ditioned for the faithful discharge of their official duties, respectively. On or before October 1 in each even-numbered year, the board shall report its proceedings and the items of its receipts and disbursements to the governor. 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 this association, and send members of the board as delegates to the meetings of the national association of dental examiners. These delegates may receive the per diem above provided for the time spent in attending such meetings and reimbursement for actual and necessary traveling expenses.

Subd. 2. Power to compel attendance of witnesses. 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 oaths to witnesses or take their affirmation. If any person 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.

Subd. 3. Rules and regulations. 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 chapter.

[1935 c 95 s 2; 1947 c 49 s 1; 1955 c 174 s 1; 1955 c 847 s 1] (5762-2)

150.03 WHO MAY PRACTICE. Every person shall be deemed to be practicing dentistry within the meaning of this chapter, 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 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.

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. 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 chapter;

(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 the 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 to or treats the sick or suffering or who treats, for the purpose of preventing sickness or suffering, by mental or spiritual means exclusively.

[1935 c. 95 s. 3] (5762-3)

150.04 LICENSES. Subdivision 1. **Application, examination.** A person not already a licensed dentist of the state, desiring to practice dentistry therein, shall apply to the secretary-treasurer of the state board of dental examiners for examination and pay a fee of \$25 for the first examination, and \$25 for each subsequent examination which in no case shall be refunded. At the next regular meeting at which an examination is held 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. 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 subject of anatomy, physiology, chemistry, materia medica, therapeutics, metallurgy, histology, pathology, and operative surgical and mechanical dentistry; and the applicant will 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.

Until March 31, 1955, an applicant who has filed a declaration of intention to become a citizen of the United States pursuant to the Nationality Code 8 USC 731, may be licensed by the board.

Subd. 2. **Nonresident.** Any dentist who is lawfully practicing dentistry in another state having and maintaining an equal standard of laws regulating the practice of dentistry within this state, including reciprocity provisions with this state, and is a reputable dentist of good moral character and 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, may, upon payment of a fee of \$25, at the discretion of the board, be granted a license to practice in this state without further theoretical examination.

Subd. 3. **Waiver of examination.** 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 a certificate from it, the applicant and holder of such certificate having been at the time of the 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 \$25.

Subd. 4. **Suspension, revocation.** 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; or
- (8) Violation of any of the provisions of this chapter.

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, 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 shall be subject to a 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 upon appeal.

Subd. 5. Reinstatement. 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.

Subd. 6. Notices. 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. The names so filed with the secretary of state shall be listed by the latter in a book kept for that purpose.

[1935 c 95 s 4; 1951 c 307 s 1; 1953 c 437 s 1; 1955 c 174 s 2-4] (5762-4)

9 C21 01 **150.05 ANNUAL REGISTRATION FEE.** On or before the first day of May each year, every licensed registered dentist shall pay to the state board of dental examiners a registration fee of \$2 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 \$5, shall excuse the default. The board may collect such fee by suit. At least 30 days before May first, written notice, duly signed by the president or secretary-treasurer of the board, stating the amount and due date of the 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 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 \$2.

[1935 c. 95 s. 5] (5762-5)

150.06 UNLAWFUL ACTS. It shall be unlawful for any person to practice dentistry under the name of a corporation, company, association, or trade name; or under any name except his own proper name, which shall be the name used in his license as issued by the state board of dental examiners; or to conduct, maintain, operate, own, or provide a dental office in the state directly or indirectly or by his agents or employees; or for such person to hold himself 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. 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 recognized by the state board of dental examiners. Every person violating this section shall be guilty of a gross misdemeanor.

[1935 c. 95 s. 6] (5762-6)

150.07 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 fined not more than \$1,000 for each offense, and each day that this chapter is violated shall be considered a separate offense.

[1935 c. 95 s. 7] (5762-7)

150.08 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 to 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 anaesthetic, drug formula, material, medicine, method, or system; or to advertise free dental services or examination; or to advertise any amount as a price or fee for the services of any person engaged in the practice of dentistry, or for any materials 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 of 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.

Every person committing an offense against any of the provisions of this section shall be guilty of a gross misdemeanor. 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 telephone 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 of 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. The name and title of the registrant shall not be displayed in lettering larger than seven inches.

[1935 c. 95 s. 8] (5762-8)

150.09 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 chapter for which no specific penalty is provided herein, shall be guilty of a gross misdemeanor; and, upon conviction, punished by a fine of not more than \$1,000 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, in making investigations, and in conducting hearings relative to the suspension or revocation of licensing 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 the board.

[1935 c. 95 s. 10] (5762-10)

150.10 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.

[1935 c. 95 s. 11] (5762-11)

150.11 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 chapter 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 the 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 board, the clerk of court shall charge a fee of \$1.

[1935 c. 95 s. 12] (5762-12)

150.12 DEFENSES. In the prosecution of any person for violation of this chapter 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.

[1935 c. 95 s. 13] (5762-13)

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150.13 DIVIDING FEES FORBIDDEN. 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 punished by a fine of not to exceed \$100 or by imprisonment in the county jail for not to exceed 90 days.

[1935 c. 95 s. 14] (5762-14)

DENTAL HYGIENISTS

150.14 DENTAL HYGIENISTS; EXAMINATION; LICENSES. Any woman of good moral character not already a licensed dental hygienist of the state, being a graduate of an accredited high school or its equivalent, who is a graduate of a training school for dental hygienists requiring a course of not less than two academic years, and approved by the state board of dental examiners, may, upon payment of \$10, be examined by the board on the subjects considered essential by it for a dental hygienist. Such examination may, in the discretion of the board, be conducted by a part of the members of the board. If the applicant in the opinion of the board successfully passes the examination, she shall be registered and licensed as a dental hygienist.

[1935 c. 71 s. 1] (5767-1)

150.15 MAY PERFORM CERTAIN SERVICES. Any licensed dentist, public institution, or school authorities may employ such licensed dental hygienist. Such dental hygienist may remove lime deposits, accretions, and stains from the exposed surface of the teeth, administer gas, ether, and general anaesthesia, as applied to dentistry, and make instrumental examination of the teeth for cavities, but shall not perform any other operation on the teeth or tissues of the mouth, except that in a public institution or school she may make an oral examination and polish teeth. She may operate in the office of a licensed dentist, but at all times under his direct supervision; or in any public institution or school, but at all such times under the general supervision of a licensed dentist.

The state board of dental examiners may suspend or revoke, with power to reinstate, the license of any licensed dentist who shall permit any dental hygienist, operating under his supervision, to perform any operation other than that permitted under the provisions of this section and it may also suspend or revoke, with power of reinstatement, the license of any dental hygienist violating the provisions of sections 150.14 to 150.17. The procedure to be followed in the case of such suspension, revocation, or reinstatement shall be the same as that prescribed by law in the case of suspension, revocation, or reinstatement of a licensed dentist.

[1935 c. 71 s. 2] (5767-2)

150.16 REGISTRATION FEES, LICENSE REVOCATION; REINSTATEMENT. On or before the first day of May each year, every licensed dental hygienist shall pay to the state board of dental examiners a registration fee of \$1 and, in default of such payment, the board may, upon hearing and upon 30 days notice, revoke the license of the hygienist in default; but the payment of such fee on or before the time of hearing, with an additional sum of \$5, shall excuse the default. The board may collect such fee by suit. At least 30 days before May first written notice, duly signed by the president or secretary-treasurer of the board, stating the amount and due date of this fee, shall be sent to each such licensed dental hygienist. Licenses which have been revoked for non-payment of the annual registration fee may be reinstated in the discretion of the board of dental examiners upon payment of the current registration fee and a reinstatement fee of \$10.

Such licensed hygienist must display conspicuously at the place of her employment her annual registration certificate.

Every person violating this section shall be guilty of a misdemeanor.

[1935 c 71 s 3; 1955 c 175 s 1] (5767-3)

150.17 APPLICANTS FROM OTHER STATES. Any dental hygienist duly licensed to practice as such in another state having and maintaining an equal standard of laws regulating the practice of dental hygienists with this state, who is of good moral character and is desirous of removing to this state, and deposits, in

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person, with the state board of dental examiners a certificate from the examining board of the state in which she is licensed certifying to the fact of her being licensed and that she is of good moral character and professional attainments, may, upon the payment of a fee of \$20, at the discretion of the board, be granted a license to practice in this state without further examination. As to any person so applying and who has been licensed in a state not maintaining an equal standard of laws with this state, the board may license such persons upon the payment of the fee above provided for, furnishing the same evidence as to licensing, good moral character and professional attainments, and passing such further examinations as the board shall deem necessary.

[1935 c. 71 s. 4] (5767-4)