Opinion No. 101.

Dentistry—Admission to Practice—
Citizenship Not a Requirement.
Reciprocal Admission With
Canadian Provinces.

HELD: Section 3115.6 does not
permit reciprocal admission to practice
dentistry with Canadian Provinces as

they are not a state or territory within the meaning of said section.

Citizenship is not required for admission to practice when made by written examination under the provisions of 3115.5.

May 12, 1937.

Dr. Leonard A. Jenkin
Secretary, Montana State Board of
  Dental Examiners
Great Falls, Montana

Dear Dr. Jenkin:

You have submitted the following:

"The question of reciprocity, or the exchange of licenses to practice dentistry, between the different states and graduates in dentistry of the Canadian provinces, has been a controversial problem in dental circles between the two nations for many years. Quite a number of our eastern states admit Canadian graduates with dental degrees from such reputable institutions as McGill Uni. Toronto Univ. etc. to their State Board examinations, without any proviso whatsoever.

"The Montana State Board of Dental Examiners at their next annual meeting in June of this year, will sit for the examination, a Dr. A. M. Watson of Lethbridge, Alberta, a graduate of McGill. The only requirement we will expect from Dr. Watson, in addition to the requirements of the Montana Dentistry Regulation Act, will be American citizenship. The province of Alberta does not exact this much from our own American graduates, who may wish to practice dentistry in Alberta, and this letter is written you and your high office, to ascertain whether we as a board are within our rights to exact this much from Dr. Watson. Have we the authority to assume this much? There is no clause of course in our dental law, that deals with citizenship."

The second paragraph of Section 3115.6 states the requirements for admission to practice dentistry in the State of Montana, of "any dentist who has been lawfully licensed to practice in another state or territory." The requirements therein given are the only ones imposed. Citizenship is not one of them, and in the absence of such

requirement by statute, it is my opinion that the board may not add it to the specific requirements fixed by the legislature, provided a Canadian Province may, under our statute, be classified as a "state or territory" within the meaning of said section, which permits reciprocal relations with states or territories.

As used in our statute, it is my opinion that the words "states" and "territories" do not connote a foreign nation or a legal subdivision thereof. The word "state" has a definite, fixed, legal and technical meaning and is used to designate a member of the Union unless a broader construction is required by the context of the statute and is necessary to effectuate its evident purpose (59 C. J. p. 15). Likewise the word "territory" is used to designate some part of the United States not included within the limits of any other state, and not yet admitted as a state into the Union, organized and exercising governmental functions under Act of Congress (62 C. J. 783, Section 1).

In my opinion the context of the statute does not require a broader construction of these words, and if this is true, said statute, Section 3115.6, would have no application to foreign countries or provinces thereof. If such was the legislative intent and policy, it was not expressed in the statute. It might be regrettable that the statute is not broad enough to include the reciprocal exchange of favors between this state and the provinces of Canada, with which our relations have always been mutually friendly, but this is a question of legislative policy with which this office may not concern itself.

In the absence of statute to the contrary, we see no reason, however, why a person, who may be a citizen of Canada, may not, upon written examination as provided by Section 3115.5, be permitted to practice dentistry in the State of Montana, as citizenship in the United States is not required for such admission under this section.