

Dentists, Eligibility for Examination. Examination, Dentists Eligible For.

The law gives the Board of Dental Examiners a discretionary power in determining who have practiced dentistry sufficient to entitle them to take an examination.

Helena, Montana, September 11, 1909.

Dr. D. J. White,
Secretary, Montana State Board of Dental Examiners,
Helena, Montana.

Dear Sir:—

I am in receipt of your communication, requesting an opinion upon the following statement of facts:

A person made application to take the examination. He stated that he was 21 years of age; that he has attended high school for two years; that he is not a graduate of any dental college, and commenced the study of dentistry in a dentist's office on April 1, 1904. You state that the board desires an opinion as to what discretion and power it has in passing upon the eligibility of candidates who desire to take the examination to practice dentistry in this state, and whether the above facts are sufficient to justify the board in refusing to permit such an applicant to take the examination.

Section 1577, revised codes, as amended by chapter 132, laws of 1909, provides that,

"To be eligible for such examinations the applicant shall give satisfactory evidence of having practiced dentistry for five years or shall present a diploma from a reputable dental college."

Section 1581, as amended by said chapter 132, laws of 1909, contains certain rules for the assistance of the board in determining whether a

person has practiced dentistry for five years. Said section 1577, as amended, gives the board of dental examiners a discretion in determining who are eligible for such examination, as it expressly provides that:

“The application shall give satisfactory evidence of having practiced dentistry for five years.”

This satisfactory evidence, of course, must be submitted to the board, and it is clearly the intention of the law that the board shall determine what evidence is satisfactory.

We find nothing in the law which requires the applicant to have received a high school or college education, nor does the law fix the age at which a person may commence the study and practice of dentistry, so the only question for the board is to determine whether he has practiced dentistry for five years in such a manner as to entitle him to the examination, or has a diploma from a reputable dental college.

In determining whether he has practiced dentistry, the board can call for evidence other than that contained in the application for the examination; that is, it can require affidavits from the dentists with whom the applicant practiced, as to the character of work he performed and as to his general competency, experience and education, and if from all such evidence the board are of the opinion that he has not practiced dentistry sufficient to entitle him to the examination, it is within their discretion to deny him the right to take the examination.

Very truly yours,

ALBERT J. GALEN,

Attorney General.