

## Opinion No. 218.

Dentists—Licenses, Dentists—Board of  
Dental Examiners—State Board of  
Health.

**Held:** The term “REGULARLY LICENSED DENTIST” under Chapter 125, Laws of 1943, requires that the director of the dental department of the State Board of Health shall be a dentist regularly licensed by the Board of Dental Examiners of the State of Montana.

November 14, 1946.

Dr. B. K. Kilbourne  
Executive Officer  
State Board of Health  
State Capitol  
Helena, Montana

Dear Dr. Kilbourne:

You have requested an opinion as to whether or not the director of the dental department of the State Board of Health must be a licensed dentist of the State of Montana.

Your inquiry centers around Section 2, Chapter 125, Laws of 1943. This section provides:

“The director of dental health shall be a regularly licensed dentist who shall have had at least one school year of training in an accredited school of public health.”

The answer to the question must be determined by interpretation of the term “licensed dentist,” and with this consideration in mind, we must turn to Section 3115.5, Revised Codes of Montana, 1935. Although this section does not specifically define the term “licensed dentist,” paragraph 3 of Section 3115.5 provides:

“All persons successfully passing such examination shall be registered as licensed dentists in the board register, as hereinabove provided, and, upon payment of an additional Twenty-five Dollars shall receive a certificate signed by the president and secretary of said board . . .”  
(Emphasis mine.)

Thus it would seem that a “regularly licensed dentist” is one who has suc-

cessfully passed this examination or who has become a "regularly licensed dentist" in this state under the reciprocal provisions noted in paragraph 2 of Section 3115.6, Revised Codes of Montana, 1935.

Although the above provisions relate to the licensing of dentists, they are to be differentiated from the practicing of dentistry by the fact that one may not practice dentistry in this state until he takes one step further, namely, that of registering his license in the county in which he intends to practice, as provided for in Section 3115.6, Revised Codes of Montana, 1935:

"The certificate in this Act provided for shall entitle the holder thereof to practice dentistry in any county in the State of Montana, provided such certificate shall first be filed for registration and registered in the office of the County Recorder of the county in which such holder desires to practice, and nothing herein contained shall be construed to permit any holder of any certificate to practice in any county in this state unless such certificate shall have been first registered in the office of the Recorder of such county as herein provided; provided further that any such holder of a certificate may practice in more than one or in any number of counties in this state on having such certificate registered in each of such counties in which such holder desires to practice. Said Board of Dental Examiners shall, upon satisfactory proof of the loss of any such certificate issued under the provisions of this Act, issue a duplicate certificate in place thereof, and a fee of one dollar shall be charged for issuing such certificate. Any person failing to pass his first examination before such board, may demand a second examination at any subsequent meeting of said board held for the purpose of examining candidates, and no fee shall be charged for any subsequent examination." (Emphasis mine.)

It is therefore my opinion that the term "regularly licensed dentist" under Chapter 125, Laws of 1943, requires that the director of the dental department of the State Board of Health

shall be a dentist regularly licensed by the Board of Dental Examiners of the State of Montana.

Sincerely yours,  
R. V. BOTTOMLY,  
Attorney General