

DEANTAL BOARD: Discretion in Board to determine method of examination.

5/22
May 22, 1936.



Doctor J. G. Christy
Festus,
Missouri.

Dear Doctor Christy:

You have requested an opinion of this office on the following matter:

"Has the Missouri Dental Board the power to determine the method of examination of applicants and what discretion is granted the Board by the Dental Practice Act?"

Section 13560 R. S. Missouri 1929, refers specifically to the examination of applicants for licenses to practice dentistry in the State of Missouri. This section in part reads as follows:

"The method of examination for requirements for entrance shall from time to time be determined by said board. Should any applicant for entrance misrepresent his actual credits to which he or she may be entitled, or shall receive any certificate which is a misstatement as to his or her actual literary qualifications, he or she shall upon conviction be adjudged guilty of a misdemeanor and punished as provided for in this chapter; and any person who assists any applicant to misrepresent or fraudulently obtain any certificate or writing showing credits to which said applicant is not entitled shall likewise upon conviction thereof be adjudged guilty of a misdemeanor and punished according to the terms of this chapter. All examinations for registration

may be written or clinical, or both,
and of such character as to thoroughly
test the qualifications of the applicant
to practice dentistry or dental surgery.
No person shall be eligible to registration as one competent to practice dentistry in this state unless the applicant in his or her examination shall make a grade or percentage required by the board which shall not be less than an average of seventy-five per cent. in the subjects for examination required by this chapter; it shall be the duty of said dental board to make careful investigation as to the moral standing of the applicant; the board may in its discretion refuse to grant a certificate of registration to any person found guilty of making any false statement with the intent to mislead said board, or any member thereof, or who shall cheat, or attempt to cheat, or deceive said dental board or any member thereof, either in application for a certificate of registration, or in taking said examinations, or in procuring a license. If the applicant shall pass a satisfactory examination, and in the opinion of the board, shall possess the qualifications required by this chapter to entitle him or her to registration as here provided. then the board shall issue to such applicant a certificate of registration, which certificate shall be signed by all members of said board and attested by the seal of said board;* * *

It is to be noted that the first underscored phrase places in the board the power to determine the method of examination from time to time. It requires, by the second underscored phrase that the examinations shall be "written or clinical" or the examinations may include both, but shall be of such character as to test the qualification of the applicant to practice dentistry or dental surgery. By this provision it is certain that the Board has discretion in determining whether the examinations given are to be written or clinical, and the examination may be either or as the statute states "both". This is a matter for the board to determine in the exercise of its discretion. After passing a satisfactory

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examination, meeting the requirements of an average grade of seventy-five per cent in the subjects required by the statute, and if in the opinion of the board the applicant possesses all of the qualifications required by the act, a certificate of registration shall be issued.

CONCLUSION.

It is therefore the opinion of this office that in view of the provisions of Section 13560 R. S. Missouri 1929, the Missouri Dental Board may exercise discretion in determining the method of examination of applicants and the examinations may be "written or clinical or both".

Respectfully submitted,

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APPROVED:

ROY MCKITTRICK,
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HGW:MM



Done