

**OPINION
50-144**

April 10, 1950 (OPINION)

OCCUPATIONS AND PROFESSIONS

RE: Dentists - May Inject Penicillin in Buttocks

Re: Interpretation of Section 43-0801, Subsection 1

This is in answer to your letter of April 8, 1950, requesting an opinion as to whether or not it is lawful for a dentist to inject Penicillin in the buttocks of a patient for the purpose of treating a dental infection.

Section 43-0801, subsection 1 of the North Dakota Revised Code defines what constitutes the practice of dentistry. It reads as follows:

"1. 'Practicing dentistry' shall mean:

- a. The use, by any person, of the words or letters, 'dentist', 'D.D.S.', or 'D.M.D.' or any other letter or title in connection with his name which in any manner represents him as engaged in the practice of dentistry;
- b. The performance, by any person, of any of the following acts for a fee, salary, or other reward, paid or to be paid either to himself or to another:
 - (1) Dental operations of any kind;
 - (2) Treatment of diseases or lesions of the human jaw or teeth;
 - (3) Administering an anesthetic local or general as applied to dentistry;
 - (4) Taking and diagnosing dental x-rays;
 - (5) Making injections of drugs as applied to dentistry;
 - (6) Replacing lost teeth by artificial ones;
 - (7) Attempting to correct malposition of teeth;
 - (8) Signing death certificates;
- c. Advertising or permitting to be advertised by any person, the statement that he can or will attempt to perform any of the acts enumerated in subdivision b of this subsection."

You will note this section states that practice of dentistry, among other things, includes making injections of drugs as applied to

dentistry.

Section 43-1702 states; "The provisions of this chapter (chapter on Physicians and Surgeons) shall not apply to the following: *** 4. Dentists practicing their profession when properly licenses;"

Therefore, it is the opinion of this office that a lawfully qualified and licensed dentist may inject penicillin in the buttocks of a patient for the purpose of treating a dental infection without being a licensed physician and surgeon. Such a procedure would be making injections of drugs as applied to dentistry, and would be under North Dakota law a practice of dentistry.

WALLACE E. WARNER

Attorney General