

**Denturist Association of Montana**  
**215 Smelter Ave NE #3**  
**Great Falls MT 59404**  
**Phone: 406-216-4746**

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Economic Affairs Interim Committee  
Pat Murdo, Research Analyst  
PO Box 201706  
Helena MT 59620-1706

Dear Pat,

I am writing on behalf of the Denturist Association, in response to your e-mail to Cliff Christenot, concerning the dispute between the Denturists and the Board of Dentistry/Montana Dental Association.

Since we were last in front of the EAIC, the bias and discriminatory acts of the Montana Dental Association remain the same and are being passed through the dentist members of the Board of Dentistry. Every dentist member of that Board is a member of the MDA, therefore, there has not been a suggestion made by the Denturists that has not been run into the ground by the MDA and then denied by the Board. All attempts to adhere to the instructions of the EAIC by the Denturist Association have been met with great resistance.

As an example, the Denturists Association recommended a Denturistry Committee replicating the Anesthesia Committee on which sets one dentist member from the Board, who happens to be a dental anesthesiologist, and several members from the dental community at large. Following this precedent, it was suggested by the Denturist Association that the denturist member from the Board be the Chairman of the Denturistry Committee and he would be accompanied by two or three denturists at large to complete the committee. Upon that recommendation, the Board's legal counsel literally laughed and said "that will never happen" and "that a committee with that much outside influence could not be tolerated". This is contradictory to the makeup of the Anesthesia Committee which calls upon as many outside anesthesiologists as necessary to accomplish their tasks. There are no general dentists; let alone a second member from the Board.

After much discussion and following the objection made by the MDA Exec. Director, the Board subsequently voted against the Denturist proposed committee. Mr. Hemion indicated that the Committee needed the supervision and expertise of a dentist in order to make recommendations to the Board. Because of the makeup of the current Board, the committee suggested by the Montana Dental Association was adopted where there would be one dentist from the board, the only denturist on the board and one other licensed denturist in good standing from the denturist community. As it stands now, the committee consists of Cliff Christenot, Denturist from the Board, Allen Casteel, Denturist at large and Dale Chamberlain, Dentist from Board.

Since the development of the Denturistry Committee there have been two meetings at which they developed proposed rule changes. At both of those meetings the dentist on the committee voted to take the proposals to the Board for discussion and vote. However, when the changes were presented to the Board, he wouldn't even second the motion to put the proposals up for discussion and neither would any other member of the Board who was in attendance. The President of the Board finally seconded the motion in order for discussion to begin. In both instances, after the discussion period the Board voted to send everything back to the committee to make further changes that would fall into line with the MDA demands. A new rule adopting this committee is now being processed for "Rule Review" by the Department. Any and all other suggested changes have been tabled. (As a side note, Dale Chamberlain told Allen and I that he had been approached by the MDA to run for President of that organization. We do not know what decision he made concerning this, however, at the BOD meetings he is in constant communication with the MDA representatives in attendance.)

At the meeting on September 13, 2013, it was once again proposed that the current rule restricting denturists from providing dentures over implants be stricken as it does not enhance or help define Statute. To the contrary, it stands alone as a restriction on the scope of practice of Denturists. The chairman of the MDA's Taskforce on Denturistry, Christopher Hirt, DMD, gave an elaborate speech telling the Board "there is a system in place for dentures over implants and Denturists are not part of that system". The system he described has the dentist taking the impressions, making the model and sending it to a commercial laboratory for fabrication. The denture comes back and the dentist places it in the patient's mouth.

When questioned as to whether or not they can prove that the "commercial laboratory" personnel has been trained and tested for "clinical competence" and qualified to provide this appliance there was no answer. Commercial laboratory technicians do not see the patient and only have the dentists' prescription and model to use as a guide for the fabrication of the denture. Denturists, however, are well trained, educated and experienced in said fabrication; plus they have the authority to see the patient to determine any abnormalities or anomalies that may exist in the patient's mouth that may need to be addressed during fabrication of the denture.

Mr. Hirt was then questioned as to "why then would you not use a denturist as part of the dental team during this process considering their training, education, experience and the fact that they have been clinically tested in order to receive their license to provide dentures, whether over gums, tooth anchors or implants" and the answer was that "the system as it is works well without your profession being involved and there is no need to change the process."

After the Taskforce chairman spoke, Mr. Hemion, the MDA Executive Director got up to say "the MDA would never agree to allow denturists to provide dentures over implants". This follows along with the philosophy of the American Dental Association to see that where ever Denturists try to work within their scope of practice, that they be controlled out of business. It is in their guidelines to defeat the practice of Denturistry!

As discussed at the EAIC, Denturists see this as not only a restriction on their licensed scope of practice, but it removes the patient's right to choose their practitioner. In 1987 the voters of

Montana voted for that right and now it is being denied by the MDA and the Board of Dentistry. The dental community has complete disregard for the patient's right to choose the most qualified professional to meet their needs. The dentist community, as a whole, considers the patient as an unqualified participant in their own dental care and has taken that responsibility away from the patient by not considering the patient as the owner of their teeth and restricting their access to care.

As a last resort to eliminate this illegal rule and restore the patient's rights, the Denturist Association filed a lawsuit against the Board of Dentistry and the Department of Labor & Industry. The suit concerns the illegal restriction on their scope of practice and the citizens of Montana's right to choose the most qualified professional to provide the dentures they require. This case goes before the Mediator on April 3, 2014.

Another topic to be brought up before the EAIC is that since the last EAIC attended by the Denturists, it was discovered that three denturists who have been politically active had "disciplinary actions pending" reappear on their Licensee Lookup accounts. All three individuals have been through the complete complaint process and Court proceedings where their cases had been ruled upon by a judge and determinations made.

In Allen Casteel's case, which was brought to the Committee as evidence of bias on the Board's part, Judge Seeley ruled in his favor and the case was to have been taken off of the licensee lookup immediately. However it took nearly a year for the Board to respond to the reversal of the Board's action by Judge Seeley. It was taken off in March of 2011 and it reappeared in May of same year. Its reappearance went only as far as stating that he was practicing illegally concerning anti-snoring appliances even though it had been ruled that the way the statute defines dentures he was clearly not practicing illegally.

This error was discovered in 2013 when he was renewing his license. It took Allen's attorney until February 2014 to get this taken care of and corrected through the filing of a tort claim.

In December of 2013 during the Board of Dentistry meeting it was learned that there is a National Practitioner Database where all claims/disciplinary actions against licensees are reported. Allen subsequently did a self-inquiry and found that the Board/Department reported disciplinary action in 2009. This reporting was never amended during the next five years to reflect any of the decisions made by the Board or the Court. This also should have been removed once the Board and the Department received the Court decision.

It took the time and expense of a court case before the issue was resolved, a settlement reached, and the error corrected. We believe that it was negligence, incompetence, bias and discrimination within the Department and the Board that allowed the misrepresentation of Allen's record be publicized on both the state and national level. During the time of this misrepresentation, if Allen would have chosen to move to another state, this misrepresentation would have caused irreparable damage to his reputation and possible denial of a license to practice in that state.

By these few examples you can see that the situation between the Denturists and the Board of Dentistry has not changed in spite of all efforts by the Denturists to require the Board treat each profession equally and fairly as the statute now states. (MCA 37-1-131 (1) (a) (ii) as amended by SB 165).

Regrettably, since the EAIC and the Legislature in general ignored the bias and mistreatment by the Board of Dentistry, the Department of Labor and the Montana Dental Association, there was no choice but to file a lawsuit. It is still hoped that the Denturist profession will be removed from the Board of Dentistry and either given their own Board or be attached to another Board where they are not being regulated by a competing entity.

The other option suggested to the EAIC and the legislature was to restructure the current Board to the 2, 2, 2, 3 format. This option is still acceptable to the Denturist community. Under this structure only one profession and the public members would be allowed to vote on matters pertaining to that single profession. The other two professions would not be allowed to vote concerning an issue that does not concern their profession. Where it would be a matter that affects the Board as a whole, all three professions and the public members would be the determining factors.

At the present time things are once again at a stalemate with the lawsuit pending. We thank you for your concern and your assistance. As things develop, I will keep you apprised.

Sincerely,

Carol Casteel, Admin. Sec.  
Denturist Association of Montana