

**ECONOMIC AFFAIRS IC  
SEPTEMBER 11, 2012  
EXHIBIT 15**

**SYNOPSIS OF THE EAIC DIRECTIVES TO THE MONTANA BOARD OF DENTISTRY AND BOARD RESPONSE**

1. **AUGUST 23, 2011** ECONOMIC AFFAIRS INTERIM COMMITTEE MEETS TO REVIEW THE BOARD OF DENTISTRY PER HB 525 (SUNSET REVIEW) SEE AGENDA/MINUTES.

COMMENTS AT THIS MEETING FROM THE MONTANA DENTAL HYGIENISTS ASSOCIATION THE DENTURIST ASSOCIATION AND THE MONTANA DENTAL ASSOCIATION INDICATE HYGIENISTS AND DENTURIST DISPLEASURE WITH THE BOARD ON A NUMBER OF ISSUES. (SEE ATTACHMENTS)

2. **SEPTEMBER/OCTOBER 2011.** DISCUSSION AT THE BOARD'S SCHEDULED SEPTEMBER MEETING REGARDING THE EAIC MEETING BOARD INITIATES A BOARD SURVEY TO BE POSTED ONLINE ON THE BOARD WEBSITE FOR ALL LICENSEES UNDER THE BOARD OF DENTISTRY TO COMPLETE AND RESULTS ARE TO BE REVIEWED AT THE BOARDS MEETING IN DECEMBER 2011 AND FORWARDED TO THE EAIC FOR THE JANUARY 2012 MEETING. ALSO AT THIS MEETING THE BOARD ESTABLISHED AN "ECONOMIC AFFAIRS SURVEY COMMITTEE" TO RESEARCH ISSUES BROUGHT BEFORE THE LEGISLATIVE EAIC IN AUGUST 2011 AND REVIEW THE SURVEY. THIS COMMITTEE CONSISTED OF JENNIFER PORTER RDH, TERRY KLISE DDS, CLIFF CHRISTENOT LD, AND MS. LUELLE VOGEL, PUBLIC MEMBER. THIS COMMITTEE MET OCTOBER 25, 2012 AND APPROVED THE SURVEY LANGUAGE.
3. **DECEMBER 2, 2011.** SURVEY RESULTS ARE POSTED TO THE BOARD WEBSITE AND REVIEWED BY THE BOARD AT THE SCHEDULED DECEMBER 2<sup>ND</sup> MEETING. BASED ON DISCUSSION AT THAT MEETING BY THE ASSOCIATIONS, THE BOARD REQUESTED ITS ECONOMIC AFFAIRS COMMITTEE MEET AGAIN TO CONSIDER THE ASSOCIATIONS COMMENTS.
4. **DECEMBER 14, 2011.** THE BOARDS ECONOMIC AFFAIRS REVIEW COMMITTEE MET AND HEARD PRESENTATIONS FROM SUSAN GOOD GIESE REPRESENTING THE DENTURIST ASSOCIATION OF MONTANA, KIM DUNLAP OF THE MONTANA DENTAL HYGIENIST ASSOCIATION (MDHA) , AND ATTORNEY JACQUELINE T. LENMARK, REPRESENTING THE MONTANA DENTAL ASSOCIATION (MDA) AND DR ROBERT NEILL DDS, PRESIDENT OF THE MDA.

FROM THE DECEMBER 14, 2011 MINUTES OF THAT MEETING: (Ms. Vogel was absent.)

*Each of the three professions had submitted proposals to the Board committee prior to the meeting to try to find a compromise between the current makeup of the Board of Dentistry and the possibility of a separate Board of Dental Hygienists/Denturists as was discussed at the Legislative EAIC meeting in August 2011.*

*Based on the submissions, the MDHA and the Denturist Association positions would require statutory changes. The two professions were in agreement that they wanted statutory authority over their respective professions.*

*The MDA proposal would have potentially implemented rules to establish standing committees for Hygienists and Denturists.*

**Motion:** *Dr. Klise, to establish, by Board rule, standing committees for Hygienists and Denturists under the Board of Dentistry.*

**Second:** *Mr. Christenot*

**Failed:** *On roll call vote, Mr. Christenot and Ms. Porter voted "No".*

*Dr. Klise, "Yes".*

*The Dental Hygienist and Denturist professions will go forward with statutory proposals to the January 20, 2012 Legislative EAIC meeting.*

5. **JANUARY 4, 2012.** THE FULL BOARD MET AND CONSIDERED A MOTION FROM MR. CHRISTENOT (BELOW)

**Motion:** *Mr. Christenot, to add a Denturist to the existing Board of Dentistry. Establish separate standing committees for Hygienists and Denturists that would have rule making authority for the respective professions. Rule proposals from the committees brought before the Board of Dentistry that are overturned by the Board must be overturned by a 75% majority.*

**Second:** *Ms. Porter*

*Discussion followed between the associations and the Board with each presenting their proposals.*

**Failed:** *Roll call vote, 6 to 2, with Mr. Christenot and Ms. Porter voting yes.*

*After additional discussion:*

**Motion:** *Dr. Johnson, to establish, by Board rule, standing committees for Hygienists and Denturists under the Board of Dentistry.*

**Second:** *Dr. Klise*

**Carried:** *6 to 2, with Mr. Christenot and Ms. Porter voting no.*

6. **JANUARY 10, 2012.** THE FULL BOARD MET AGAIN TO APPROVE THE JANUARY 4, 2012 MINUTES FOR PRESENTATION TO THE EAIC.
7. **JANUARY 20, 2012** ECONOMIC AFFAIRS INTERIM COMMITTEE MEETS TO REVISIT THE BOARD OF DENTISTRY FOR UPDATE FROM THE AUGUST 23, 2011 MEETING (SEE AGENDA/MINUTES.)

8. **MARCH 23, 2012.** THE FULL BOARD MET AT A REGULARLY SCHEDULED MEETING AND DISCUSSED SETTING UP STANDING COMMITTEES FOR HYGIENIST AND DENTURIST (PER MOTION OF JANUARY 4, 2012)

MOTIONS FROM THAT MEETING:

**Motion:** Ms. Porter, to establish an ad-hoc Hygienist committee to consist of Ms. Porter, the new Hygiene Board member, Dr. Ameline and Dr. Klise.

**Second:** Dr. Johnston

**Carried:** Unanimously

**Motion:** Mr. Christenot, to establish an ad hoc denturist committee to consist of Mr. Christenot, Dr. Johnston, Dr. Johnson and one licensed denturist (to be determined).

**Second:** Mr. Madison

**Carried:** Unanimously

9. **MAY 30, 2012.** THE AD HOC HYGIENIST COMMITTEE MET AND MOTIONS A NEW RULE TO ESTABLISH A STANDING HYGIENE COMMITTEE

*NEW RULE DENTAL HYGIENIST COMMITTEE (1) The board hereby creates a committee to be known as the Dental Hygienist Committee. The committee shall consist of the two dental hygienist board members, and one dentist board member who employs a dental hygienist, ~~and two practicing dental hygienists who are not board members. [The members of the board on the committee shall elect the dental hygienists who are not board members.]~~*

*(2) The committee shall meet at least once a year and review issues pertaining to dental hygienists and make recommendations to the board.*

**Motion:** Ms. Merrick, to approve the new rule as amended.

**Second:** Dr. Klise

**Carried:** Unanimously

10. **JUNE 8, 2012.** THE FULL BOARD MET FOR A REGULARLY SCHEDULED MEETING AND CONSIDERED POSSIBLE RULE PROPOSALS FROM THE HYGIENE AND DENTURIST COMMITTEES.

**HYGIENISTS:** THE BOARD APPROVES AN AMENDED RULE PROPOSAL FROM THE HYGIENE COMMITTEE TO ESTABLISH STANDING COMMITTEE THAT WILL CONSIST OF TWO DENTAL HYGIENIST BOARD MEMBERS AND ONE BOARD MEMBER DENTIST THAT EMPLOYS A DENTAL HYGIENIST OR A DENTIST BOARD MEMBER WHO IS EMPLOYED BY A FEDERALLY QUALIFIED HEALTH CENTER THAT EMPLOYS A DENTAL HYGIENIST.

**DENTURISTS:** THE AD HOC COMMITTEE HAS NOT YET MET. THE CHAIR OF THE EXISTING DENTURIST COMMITTEE, MR. CHRISTENOT, CHOSE NOT TO PARTICIPATE IN THE COMMITTEE.

ONE NON-BOARD LICENSED DENTURIST INDICATED INTEREST IN JOINING THE COMMITTEE.

THE BOARD NEEDS ANOTHER DENTURIST INTERESTED IN JOINING THE COMMITTEE TO HAVE A TWO DENTURIST MAJORITY ON THE COMMITTEE.

**THE BOARD THEN MOTIONED:**

***Amended Motion:** Ms. Merrick, to form a standing Denturist committee that is composed of two Denturists and one Dentist, one member of the committee must be a Board member.*

***Second:** Dr. Johnson*

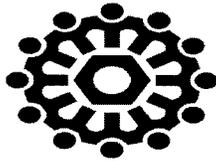
***Carried:** Majority; Dr. Johnson, Dr. Johnston, Ms. Merrick, Ms. Vogel and President Chamberlain in favor. Mr. Christenot opposed; Ms. Porter and Dr. Klise abstained.*

*The Board directed Mr. Clark to send a letter to all licensed Denturists regarding their interest in participating in the Denturist committee.*

11. **JULY 31, 2012.** AT AN INTERIM APPLICATION REVIEW MEETING THE BOARD HEARD A SYNOPSIS OF THE HYGIENIST COMMITTEE MEETING HELD IMMEDIATELY BEFORE THE FULL BOARD MEETING. PRESIDENT DALE CHAMBERLAIN APPOINTED DR. AIMEE AMELINE TO THE DENTAL HYGIENE COMMITTEE. THE BOARD TABLED ADDITIONAL DISCUSSION SO THE MEMBERS COULD REVIEW THE DRAFT RULE LANGUAGE AT THE SEPTEMBER MEETING.
12. **SEPTEMBER 7, 2012.** DURING A REGULARLY SCHEDULED MEETING THE BOARD REVIEWED THE HYGIENIST COMMITTEE REPORT OF JULY 31, 2012 AND ACTED ON RECOMMENDATIONS FROM THE COMMITTEE INCLUDING A PROPOSED RULE DRAFT TO INCLUDE VOLUNTEER/CHARITABLE SERVICES AS ACCEPTABLE CONTINUING EDUCATION.

FOR THE DENTURIST COMMITTEE REPORT, THE BOARD WAS NOTIFIED THAT THERE WAS NO RESPONSE TO THE LETTER SENT TO ALL LICENSED DENTURISTS AS MOTIONED AT THE JUNE 8, 2012 MEETING. THIS LETTER SOLICITED AT LEAST ONE LICENSED DENTURIST TO PARTICIPATE IN THE DENTURIST COMMITTEE.

WITHOUT AN ADDITIONAL DENTURIST THE COMMITTEE COULD NOT FUNCTION. THE BOARD AGAIN MOTIONED (BY MAJORITY) FOR BOARD STAFF TO SEND A SECOND LETTER TO ALL LICENSED DENTURISTS SOLICITING A VOLUNTEER FOR THE COMMITTEE.



Montana Department of  
**LABOR & INDUSTRY**  
Business Standards Division

**MONTANA BOARD OF DENTISTRY**

June 14, 2012

BRENT KANDARIAN L.D.  
VIA E-MAIL [GDC2@optimum.net](mailto:GDC2@optimum.net)  
CC: MR JAMES BARTLETT VIA POSTAL MAIL

Dear Mr. Kandarian:

At its June 8, 2012 meeting, the Montana Board of Dentistry ("Board") reviewed the letter dated May 18, 2012, from James Bartlett requesting the Board grant a rider or waiver to your Montana denturist license to allow you to perform procedures on patients in need of partial dentures or in need of dentures over implant abutments based on your education.

Per Board request, please note the rule concerning your request:

**24.138.2302 UNPROFESSIONAL CONDUCT FOR DENTURISTS** (1) The board defines "unprofessional conduct" as follows:. . .

(j) fitting, attempting to fit or advertising to fit a prosthesis on or over a dental implant;. . . .

Currently, there is nothing in statute or rule which authorizes the Board to grant a rider or waiver allowing you to perform those procedures. Therefore, the Board is unable to grant your request.

Thank you for your inquiry. If you have additional questions or concerns, please feel free to contact the Board office.

Best regards,

Dennis

**Dennis R. Clark**  
**Board Administrator**  
**406-841-2390**  
**FAX - 406-841-2305**  
**PO Box 200513**  
**301 S Park**  
**Helena MT 59620**

**Montana Board of Dentistry**  
**E-mail - [dlibsdden@mt.gov](mailto:dlibsdden@mt.gov)**  
**[www.dentistry.mt.gov](http://www.dentistry.mt.gov)**

Mills Grae University  
College of Medical Dentistry  
Certification of Educational Proficiency for Waiver Petition

Requested by: R. Brent Kandarian, DDM

**Experiential pre-clinical education and training in removable prostheses**, including all phases of design, construction, delivery, and care, 1950-1982

Kandarian clock hours	12,672
Typical dental student clock hours in experiential training	0

**Implantology**

Basic Principles of Implantology (4)

Implant-Retained Prostheses (3)

Advanced Implantology (3)

Kandarian clock hours	160
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Typical dental student training in Implantology	16
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**Removable Partial Dentures**

Principles of Removable Partial Denture Prosthesis (4)

Partial Denture Design (3)

Partial Denture Case Studies Seminar (1)

Kandarian clock hours	128
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Typical dental student training in Partial Dentures	64
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**Radiology**

Principles of Radiology (3)

Radiographic Interpretation (3)

Medical Imaging (3)

Kandarian clock hours	144
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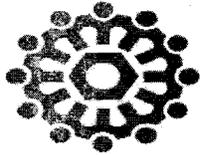
Typical dental student training in Radiology	48
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Submitted: March 26, 2012

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Ronald M. Gerughty, DDS, PhD  
President and Director of Medical Dentistry Education

University Seal



Montana Department of  
**LABOR & INDUSTRY**  
Business Standards Division

**MONTANA BOARD OF DENTISTRY**

August 22, 2012

Mr. R. Brent Kandarian  
Glacier Denture Center  
1340 Airport Road  
Kalispell, MT 59901

Re: Request for Waiver

Dear Mr. Kandarian:

I am in receipt of your letter of August 10, 2012, which Dennis Clark forwarded to me.

With respect to paragraph no. 1 in your letter regarding your request for a waiver to provide dentures over implant abutments and partial dentures without a dentist referral, this item was placed on the agenda for the June 8, 2012 meeting of the Board of Dentistry ("Board"), as you requested. You also advised that you wished to be contacted by telephone when the Board discussed your request for a waiver. Dennis Clark attempted to contact you at the telephone number you provided; however, you were not available so the Board proceeded to discuss your request. Mary Tapper, Board counsel, advised the Board there is currently no statute or rule which authorizes the Board to grant a rider or waiver which would allow you to perform the procedures referenced in your request for a waiver. In fact, Administrative Rule of Montana 24.138.2301, which implements §§ 37-1-316, 37-29-402 and 37-29-403, MCA, states:

UNPROFESSIONAL CONDUCT FOR DENTURISTS (1) The board defines "unprofessional conduct" as follows: . . .

(j) fitting, attempting to fit or advertising to fit a prosthesis on or over a dental implant; . . .

The Board is bound to obey its statutes and rules and must do so in a nondiscriminatory manner. Therefore, the Board is unable to grant your request for a waiver.

With respect to paragraph no. 2 in your letter inquiring why Board counsel did not suggest that this rule be repealed, the Board did, indeed, vote on a motion to repeal 24.138.2301(j). You will note that the minutes of the meeting state that Cliff Christenot made a motion to repeal ARM 24.138.2301(j), and the motion failed by a vote of four to three.

# Glacier Denture Center

R. Brent Kandarian, D.D.M.

Practice Limited to Medical Dentistry

1340 Airport Road

Kalispell, Montana 59901

406.257.5283

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August 29, 2012

Dr. Dale Chamberlain, President  
Montana Board of Dentistry  
P.O. Box 200513  
Helena, Montana 59620-0513

Dear Dr. Chamberlain;

I feel very saddened and disillusioned by the fact that I thought you were above the territorial fray of dentistry vs. denturistry, and for me having the expectations that you, as President of the Board of Dentistry, would work for the betterment of the people of Montana. However, I feel more disappointed in myself for having these expectations from a dentist board member, in the first place.

Just for the record and clarification, the points you answered as "paragraph numbers" were not paragraphs, but rather "points" of contention as to why I disagreed with the board's conclusion in not moving forward with a review or amendment of my waiver request for, educationally qualified, denturists placing prostheses over implant abutments.

I realized I was going to be away during the June 8<sup>th</sup> board meeting and asked to be contacted via telephone. It was my understanding that all telephone contacts were made either prior to lunch or shortly thereafter. My hotel, telephone service at the Atlantis Resort in Reno, was not contacted until late in the afternoon; at a point in time when I was at a graduation; so much for my loss and your excuse for not cordially reopening my issue. Therefore, you leave me no alternative but to utilize a different option.

I would not expect a dentist to understand *Finding of Facts* any more than I would expect an attorney to understand a base liner for an amalgam restoration. Dr. Chamberlain, I sent you and the board the entire federal case against the dental board in North Carolina against tooth whiteners, and there is a great explanation of **Finding of Facts** and so many other legal clarifications that relate to the Racketeering Influenced & Corrupt Organizations Act, otherwise known as RICO. You also did not address where I can get the names and addresses of the 68 dentists who came before the board and testified in support of the Rule against denturists placing removable prostheses over implants nor did you provide me with any other proven documentation that the board utilized in maintaining this Rule.

Glacier Denture Center  
a subsidiary of  
Saint Bernard Institute of Denture Care & Treatment  
R. Brent Kandarian  
Practice Limited to Dentistry Medicine

1340 Airport Road

Kalispell, Montana 59901

406.257.5283

August 10, 2012

Dr. Dale Chamberlain, President  
Montana Board of Dentistry  
P.O. Box 200513  
Helena, Montana 59620-0513

RE: Request for waiver by Brent Kandarian

Dear Dr. Chamberlain;

I have reviewed the preliminary draft of the minutes of the June 8, 2012 meeting where I submitted a request for a waiver for denturists providing dentures over implant abutments and partial dentures without a dentist referral.

I am totally dissatisfied with the outcome of the vote by the Board for several reasons:

1. In order for a "Rule" to be valid it must have a statute it enhances or supports and in this instance, there is NO statute in 37-29 MCA that speaks to implant retained dentures. In fact 37-29-102 (2) states under Definitions. (2) "Denture" means any removable full or partial, upper or lower, prosthetic dental appliance to be worn in the mouth.

The word ANY was specifically used because there are so many variables in types of dentures created today, including "implant retained", tissue borne. As I have related to you prior, Lee Wiser, Ronald M. Gerughty, D.D.S., Ph.D., and I wrote Initiative 97, so I know what the intent of the initiative **was then** and **still is now** [emphasis added]; regardless of what the board's legal counsel might suggest.

2. I cannot understand why legal counsel did not offer and then follow through with the idea of dropping or repealing the rules as they are without legal standing!

Legal counsel knows that in a courtroom, Findings of Facts are utilized to come to a conclusion of law, either by a jury or jurist; and those offering evidence to the Court are placed under oath. I find it incredulous that the Findings of Facts utilized by the board of dentistry in implementing the implant Rule against denturists is based upon the findings of 68 dentists in agreement; of which, not one has taken and passed the denturist examination, let alone the medical dentistry examinations [emphasis added]. This action, by the board, demonstrates a total bias, a cabal, or total ignorance, and I do not look upon any of the board members as ignorant.

Where did these 68 dentist witnesses garner their FACTS about the denturists without knowledge of the education, training, experience, or abilities of the denturists? Where were the failures of the prostheses placed by denturists over implant abutments? Where were the patient complaints about denturists placing their dentures over implants? Where was anything – other than dentists registering their objections? Could it possibly be that these dentists were asked to come and state the *line of dentistry*, by the MDA or even dental board members? How can 68 dentists appear to testify, when at a normal board meeting 4 – 6 might come?

I am aware of the presentation provided to the board by Bernadette Wilson, D.D.S., M.D., from Whitefish, as she showed pictures and spoke of the essentials necessary for successful implant placement and preservation. The series of photos she provided for the board however, illustrated failures in *dentist placed* implant restorations. Denturists do not place implants [emphasis added]; and, I highly suspect that each prosthetic appliance was also placed by a *dentist or his/her dental assistant*; again, not a denturist. This demonstration by Dr. Wilson, verifies beyond a shadow of a doubt, that many *dentists* lack the education, training and experience necessary to successfully place implant retainers and prosthetic appliances over these retainers! Yet you, as a board, feel secure in your knowledge that all dentists know what they are doing when it comes to implant placement and restorative prostheses? These implants were placed by dentists who attended and graduated from a CODA recognized dental programs and since these educational programs are **ALL** [emphasis added] CODA approved, how could any dentist do anything as improper or unethical as to what Dr. Wilson demonstrated?

Having watched legal counsel advise the board on several occasions, I find her advice and legal theories not appropriate for the betterment of the **people** of Montana. I truly believe legal counsel has forgotten who she actually works for [the PEOPLE of the State of Montana]; however, her directives and findings appear to be, that she works for the Montana board of dentists. I also find that the lay people board members seem intimidated by the “doctor” presentations made by the dentist members; rather than breaking the subject matter down into lay terms – the board members seem to overpower the lay people with dental and medical terminology.

3. The board never even addressed my waiver request relating to partial dentures. Why was this matter not addressed; and, what is the board going to do about revisiting this portion of my waiver request now?

Because of the many inequities that this and former Montana boards of dentistry have functioned around and under, I am asking the board, for the complete assemblage of the Findings of Facts that the Board of Dentistry utilized in implementing the Rules on denturists placing dentures over implant retainers and providing partial dentures without a dentist referral. Oh yes, please provide all of the patient names and implant problems created by the denturists in placing dentures over implant abutments also. These can be given to me at the next board meeting, September 7, 2012 as I am requesting these documents under the Freedom of Information Act.

The actions taken against denturists by the board are always disguised or masked as being protective of the people's health, safety, and welfare. However, the actions taken against denturists are most often, at the directives and/or whim[s] of the MDA and the ADA. This fact was clearly demonstrated by the board's denial of my request for a waiver against dentures over implant abutments and partial dentures. I presented more education than 99% of Montana's dentists in these given areas of service and I was still denied a waiver; apparently "education" is not the prerequisite for this approval. Therefore, what is the prerequisite and where does the board's validity in its denial of my request for a waiver based upon my education lie?

Do not embarrass yourself by going to CODA recognition. CODA "accredits" everything from A to Z in dental education. The 1976 STUDY OF CURRICULUMS OF UNITED STATES DENTAL SCHOOLS, Study conducted by the Council on Dental Education of the American Dental Association, of which I maintain an original copy, was so devastating, that to the best of my knowledge, the study was never repeated. I will have a copy of this document with me at the next board meeting should the board care to review it. Just so the board members are aware, this study was originally planned to be done every 10 years by the Council on Dental Education, but as I stated, the results were so demeaning to dental education the study was never reexamined or brought forth again.

It is the pressures placed upon you and the other dentist board members by the MDA's Executive Director, Officers, and Board of Directors, and the mandates of the ADA that controls your actions; neither of which are valid reasons, nor supported via the FTC, the Montana Constitution or statutes. Your position in the dental higherarchy is jeopardized by not adhering to the MDA and the ADA mandates. The ADA and the MDA are nothing more than clubs; neither entity enjoys "police powers", which is where the board of dentistry comes in. Clean up the dirty work under the guise of protecting the public; but in reality, protecting the vested economic interests of dentistry. Dr. Wilson's presentation provides visual substance to this fact and you as a board offer the "seal of approval" to some dental practitioners' proven mediocrity.

However, the posture taken by the board is invalid as determined by the Federal Trade Commission and I can refer you to the FTC v NCSBDE, Summary of Conclusions of Law, page 87, numbers 35 - 42 [I have attached the entire FTC case for your review]. Dr. George Johnston pushed his chair away from his table while I was addressing the board, and told me in an adversarial tone to sue the board; why would I want to sue the board when personally, I agree with the position of the board, providing of course there is a way around the "rules" via education and training; not licensing degree? Otherwise, I see no advantage for the people of Montana, just "police powers" for organized dentistry affecting commerce and causing a restraint of trade. These actions and others fall under the Shennan Act and are the same as those utilized by the Federal Trade Commission Act and are looked upon as an infringement upon trade and therefore, classified as illegal.

The board has now reversed its' position with regard to the Wiser case. Why? You know that you, as a board, have been avoiding 37-1-131(a)(ii) for as long as possible. It is my understanding that your legal counsel has either advised you of dentistry's

Bartlett Letterhead

Mr. Dennis Clark, Board Administrator  
Montana Board of Dentistry  
301 South Park 4<sup>th</sup> Floor Delivery  
Helena, MT 59620-0513

RE: Denturist Waiver

Dear Mr. Clark,

I am officially contacting you, as Board Administrator to the Montana Board of Dentistry, with a request for a waiver for R. Brent Kandarian, a licensed Montana denturist, against the Administrative Rules of Montana #24.138.416 [partial dentures] and #24.138.2302(j) [dentures over implant abutments]. I would ask that this waiver request be placed on the agenda of the June 8, 2012 Board of Dentistry meeting scheduled in Helena, Montana.

Whereas, the board of dentistry shall follow the duties of boards as defined and outlined in 37-1-131 MCA:

**37-1-131(a)(i)** set and enforce standards and adopt and enforce rules governing the licensing, certification, registration, and conduct of the members of the particular profession or occupation within the board's jurisdiction; and

**37-1-131(a)(ii)** apply the standards and rules referred to in subsection (1)(a)(i) in a manner that does not discriminate against any person licensed by the board with regard to how the standards and rules are applied to other persons licensed by the board and that does not restrain trade or competition unless necessary to protect public health and safety; and,

Whereas, I am sure that the board of dentistry authorized these administrative rules with the intent of protecting the health and safety of the citizens of Montana; utilizing the rationale that denturists with the basic educational requirements for licensure, simply do not possess adequate education, training and experience to justify providing these technical and clinical services in these specific areas, even though 37-29 MCA may authorize such acts; and,

Whereas, the duty of the board is to protect the public at large but not to discriminate; not to create a market interference; not to create or cause a restraint of trade; not to interfere with or attempt to limit consumer choice; or initiate or support any anti-competitive positions against any licensee when such discrimination is unwarranted based upon educational astuteness or when other licensees of the board are granted like rights with similar or less education, regardless of license type [37-1-131(a)(ii)]; and,

Whereas, in the matter I bring before the board today, it is quite evident that R. Brent Kandarian has had education that appears to be equal to or greater than the average dental student for graduation as a dentist in the specific areas of partial dentures, implant retained dentures, and radiology. I have included his radiology hours to justify, not only his ability to take, read, and utilize radiographic

protocols in aiding his patients, as well as dentists that he counsels with; but to provide to this board, that his education as a D.D.M. qualifies him to provide these services as well as a D.D.S. or D.M.D. qualifies a dental applicant in these specialty areas of service and treatment; and,

Whereas, these course hours are signified as accurate and authentic by the Seal of Mills Grae University and signed by the President of the University, Ronald M. Gerughty, D.D.S., Ph.D., I respectfully submit this document as evidence as to my client's educational achievement; and,

Whereas, the Administrative Rules of Montana 24.138.304 clarifies the Definition of Non-routine Applications, and Section (2) of this ARM authorizes the board to consider this request under the non-routine application process, as ALL [emphasis added] denturist applications are to be classified as non-routine. Additionally, my client has completed his educational advancements from a non-accredited educational institution as covered in Section (2)(c) of this ARM; and,

Whereas, my client has complied with the Administrative Rules of Montana and has gained education as verified supra, I would expect to receive, by return mail, a letter from the Montana Board of Dentistry granting the waivers sought by my client.

Thank you for your prompt attention to this request.

James C. Bartlett, Esq.