



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With respect to paragraph no. 2 in your letter inquiring why Board counsel did not suggest that this rule be repealed, the Board did, indeed, vote on a motion to repeal 24.138.2301(j).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.

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With respect to paragraph no. 3 in your letter, the Board has addressed your waiver request, and it will not revisit this item again.

In your letter you requested that the Board provide "...Findings of Facts...utilized in implementing the Rules on denturists placing dentures over implant retainers and providing partial dentures without a dentist referral." I am not sure what you mean by "Findings of Facts;" however, the minutes of the Board meetings in which this topic was discussed are available on the Board's website. If you are referring to comments made by the public in opposition to the amendment of 24.138.2302(j) in MAR Notice No. 24-138-62, certified to the Secretary of State on July 17, 2006, Board staff will research this request and provide you with any available information. If this is not the information that you are seeking, please contact Dennis Clark at dlibsdden@mt.gov immediately and clarify your request.

Finally, you have asked to address the Board at the next meeting regarding your request for a waiver. As previously stated, this item has already been reviewed and discussed by the Board and will not be placed on the agenda for the next Board meeting. As you know, there is a public comment period at the beginning of each Board meeting which is the public's opportunity to address the Board on any topic that is not already on the agenda for the meeting. The Chair determines the amount of time allotted for public comment. You may address the Board during the public comment period at the next Board meeting if you choose to do so, but you will not be permitted to question any Board member as to his or her education or experience.

Sincerely,

Dale R. Chamberlain DDS

Dale Chamberlain, D.D.S.
President, Board of Dentistry

cc: Mary Tapper, Board Counsel